

TATHASTU ICS

CURRENT AFFAIRS

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S.No.	TOPIC
1.	<b>BILKIS BANO CASE: SC ASKS WHY REMISSION POLICY IS 'SELECTIVE'</b>
2.	<b>PRESIDENT MURMU LAUNCHES WARSHIP VINDHYAGIRI</b>
3.	<b>WITH HUGE ALLOCATION, TECH. WILL TRANSFORM JUDICIARY, SAYS CJI</b>

### BILKIS BANO CASE: SC ASKS WHY REMISSION POLICY IS 'SELECTIVE'

SOURCE: [TH](#), [IE](#), [DECCAN HERALD](#), [TOI](#)

#### WHY IN NEWS?

The Supreme Court questioned the Gujarat government's policy of premature release of prisoners, asking if it's applied selectively.

#### ISSUES RAISED BY THE S.C.

- The query emerged while considering petitions that contested the **premature release of eleven individuals** who were found guilty of gang-raping Bilkis Bano and causing the death of seven individuals **during the 2002 Gujarat riots**.
- **Justice B.V. Nagarathna** expressed apprehension about the potential selective use of the remission policy.
- **Petitioners, comprising Bilkis Bano and political figures, contested the release** of the convicts based on the State's Early Release Policy of 1992.
- An affidavit unveiled conflicting perspectives between law enforcement and the Home Ministry regarding the release of the convicts.



#### ABOUT REMISSION POLICY:

Remission involves the early release of a convicted prisoner before their sentence concludes. The introduction of the concept of remission dates back to the Prisons Act of 1894.

- **Constitutional Aspect:**
  - According to **Article 72** of the Indian Constitution, the **President of India** holds authority to grant remission of a sentence. This authority extends to convicts involved in crimes falling under the jurisdiction of the central government, including court-martial decisions.
  - Under **Article 161**, the **governor of a state** possesses the power to provide remission. However, **the governor is not empowered to commute a death penalty or a death sentence that has already been commuted to life imprisonment.**

#### ARGUMENT FOR RELEASE:

- **1992 Remission Policy:** The Supreme Court of India had previously determined that the application of the remission policy in this instance would adhere to the 1992 remission policy that was effective at the time of conviction. This policy did not exclude individuals convicted of rape from receiving executive remission.
- **Criterion of Positive Behaviour:** State governments have outlined specific behaviours or activities that can lead to prisoners earning a certain number of days as remission, subsequently subtracted from their sentence.

- **Code of Criminal Procedure (CrPC):** According to the Code of Criminal Procedure (CrPC), **life convicts must undergo a minimum of 14 years of actual imprisonment** before becoming eligible for remission or premature release.
- However, in this particular scenario, the imprisonment terms of all 11 individuals exceeded 15 years, rendering the calculation of 14 years irrelevant.

#### ARGUMENT AGAINST THE RELEASE OF CONVICTS:

- **Not eligible for early release:** Just like in many other states, Gujarat's existing policy on remission (which was updated in 2014) renders individuals who have been convicted of rape unable to receive early release.
- **Contrary to justice for victims and minority communities:** This practice raises concerns regarding the fairness of justice for both the victim and minority groups within the community.
- **Remission motives questioned by some experts:** The act of granting remission to the accused is perceived by certain experts as being influenced by political considerations.

Article	Remission Type	Description
<b>Article 72</b>	Pardon	Full exemption from punishment; conviction remains but sentence is void.
	Commutation	Reduction of sentence to a less severe form, like from death to life.
	Respite	Temporary suspension of execution of sentence, often due to illness.
	Remission	Reduction of sentence without changing the nature of the punishment.
	Reprieve	Temporary delay to allow the offender to seek pardon or commutation.
<b>Article 161</b>	Pardon	Similar to Article 72, the President's power in cases under state law.
	Commutation	State Governor can reduce sentence for offenses under state law.
	Respite	Temporary reprieve in cases falling under state jurisdiction.
	Remission	State Governor's authority to reduce state law sentences.
	Reprieve	Temporary suspension of sentence in state law matters.

#### WAY FORWARD:

- **Transparency and Data:** Establish clear criteria for prisoner release and ensure transparency in their application. Maintain accurate records and data to demonstrate the consistency of the policy.
- **Non-Discrimination:** Ensure that the policy is not applied selectively based on factors such as socio-political considerations or demographics.
- **Court Oversight:** Involve the judiciary in overseeing the implementation of the policy to prevent any potential biases or inconsistencies.

## PRESIDENT MURMU LAUNCHES WARSHIP VINDHYAGIRI

SOURCE: [AIR](#), [TH](#), [IE](#), [HT](#)

### WHY IN NEWS?

President Draupadi Murmu launched Vindhyagiri, the last of the three Project 17A frigates built by the Indian Navy at Garden Reach Shipbuilders and Engineers (GRSE).

### ABOUT VINDHYAGIRI FRIGATE:

1. It takes its name from a mountain range located in **Karnataka**.
2. It stands as the **sixth vessel** within the **series of Project 17A frigates**.
3. These naval vessels are **successors to the Project 17 Class Frigates (Shivalik Class)**, incorporating enhanced stealth attributes, advanced weaponry and sensors, and improved platform management systems.
4. The Project 17A initiative encompasses the construction of four ships by Mumbai-based Mazagon Dock Shipbuilders Limited (MDL) and three by Garden Reach Shipbuilders and Engineers Limited (GRSE).
5. The initial five ships under this project were launched by MDL and GRSE, spanning the period from 2019 to 2022.
6. These vessels have been **internally designed by the Indian Navy's Warship Design Bureau**.
7. **Approximately 75% of the orders for equipment and systems for the Project 17A ships are sourced from domestic entities**, including Micro, Small, and Medium Enterprises (MSMEs).

Category	Size	Role and Purpose	Armament and Systems	Anti-Air Warfare	Anti-Submarine Warfare	Multi-Mission Capability	Speed	Examples
Frigate	Medium	Versatile operations, coastal defence.	Mix of missiles, torpedoes, guns.	Moderate	Effective	Diverse roles including	Moderate	Shivalik, Talwar,
			Anti-submarine warfare systems.					ASW and AA.
Destroyer	Large	Multi-role operations, fleet protection.	Extensive missile systems, guns.	High	Advanced	Extensive capabilities	High	Kolkata, Delhi,
			Advanced anti-submarine warfare systems.					including AA and ASW.

<b>Cruiser</b>	Large	Firepower projection, command and control.	Varied missiles, guns, CIWS.	High	Advanced	Multi-mission, air	High	INS Vikramaditya (Modified)
			Advanced anti-submarine systems.			defense, ASW.		
<b>Corvette</b>	Small to	Coastal defense, offshore patrolling.	Limited missiles, guns, anti-submarine	Low to Moderate	Basic to Moderate	Limited multi-mission,	Moderate to	Kamorta, Kora,
	Medium		warfare systems.			often modular.	High	Shachi
			Basic anti-aircraft systems.					



## WITH HUGE ALLOCATION, TECH. WILL TRANSFORM JUDICIARY, SAYS CJI

SOURCE: [TH](#), [DECCAN HERALD](#), [OBSERVER RESEARCH FOUNDATION](#)

### WHY IN NEWS?

Chief Justice of India D Y Chandrachud Thursday said huge budget has been allotted for the third phase of the **e-courts project**, which will **equip judiciary with technology, especially the lower courts**. He also pointed out that during Covid-19 pandemic, one of the high courts had no funds to purchase license necessary for video conferencing platform

### MAJOR LOOPHOLES IN THE INDIAN JUDICIARY:

1. **Enormous Backlog of Cases:** Courts in India grapple with an extensive backlog of cases, leading to delayed justice.
  - This backlog arises from a shortage of judges and inefficient case management systems.
  - As of May 2022, over 4.7 crore cases are pending across various levels of the judiciary, showcasing systemic shortcomings.
2. **Insufficient Physical and Digital Infrastructure:** Numerous courts lack adequate courtrooms and basic facilities like restrooms, waiting areas, and parking spaces.
  - Inconveniences faced by litigants, lawyers, and court personnel contribute to overcrowding and procedural delays.
  - Only 9 out of 25 High Courts in India have implemented live streaming of court proceedings, with limited coverage even in the Supreme Court.
3. **Limited Adoption of Alternative Dispute Resolution (ADR):**
  - While mediation and arbitration can alleviate court burdens, their implementation remains restricted in India.
4. **Delayed Recruitment of Judicial Personnel:** Judicial vacancies are not promptly filled, resulting in a shortage of judges.
  - With only 21 judges per million population (as of February 2023), recruitment lags behind demand.
  - Approximately 400 vacancies exist in high courts, and around 35% of posts are vacant in the lower judiciary.
5. **Gender Disparity in Judicial Representation:**
  - The higher judiciary lacks proper representation of women, indicating a gender disparity concern.
  - Out of 1.7 million registered advocates, a mere 15% are women.
  - In high courts, women judges constitute only 11.5%, and the Supreme Court has just three sitting women judges.
6. **Upcoming Chief Justice Appointment:** Justice B V Nagarathna is set to become the Chief Justice of India for a limited tenure in 2027.

### THE POTENTIAL OF EMERGING TECHNOLOGIES IN JUDICIAL TRANSFORMATION:

- **Digitalization of Court Proceedings:** Digitized court records ensure easy accessibility, improved transparency, and expedited judicial processes. The **e-Courts project** exemplifies this by aiming to computerize the operations of courts in the country for **enhanced efficiency**.
- **Utilization of AI and Machine Learning:** Artificial intelligence and machine learning can analyse extensive data, identify patterns, and forecast outcomes. Notably, two tools,

**Supreme Court Vidhik Anuvaad Software (SUVAS)** and **Supreme Court Portal for Assistance in Court's Efficiency (SUPACE)**, have been implemented to leverage AI's potential. SUVAS facilitates translation of orders/judgments to vernacular languages, while SUPACE acts as an AI Research Assistant tool.

- **E-filing of Cases:** It minimizes filing time, improves data precision, and eliminates the need for physical court presence.
- **Video Conferencing for Hearings:** Video conferencing enables remote hearings, facilitating lawyer and litigant participation. It saves time, reduces travel burden, and ensures participant safety.
- **Blockchain for Secure Record-Keeping:** Blockchain technology ensures secure and transparent court records. It prevents tampering, upholds data integrity, and restricts access to authorized users. Telangana, an Indian state, employs blockchain to secure land records and deter fraud.

#### CHALLENGES IN INTEGRATING EMERGING TECHNOLOGIES INTO THE JUDICIAL SYSTEM:

- **Data Security:**
  - Safeguarding sensitive data collected within the judicial system is paramount to maintain its integrity and public trust.
  - Potential data breaches could jeopardize the entire justice system and erode confidence.
- **Bias and Discrimination:**
  - The application of Artificial Intelligence (AI) and other emerging technologies might inadvertently perpetuate bias and discrimination.
  - Inadequate algorithm design could amplify existing inequalities and biases in the justice system.
- **Limited Understanding:**
  - Many legal professionals may lack the necessary technical expertise to comprehend the full capabilities and limitations of emerging technologies.
  - Misunderstandings may lead to inappropriate or ineffective utilization of these technologies.
- **Privacy Concerns:**
  - The use of emerging technologies could potentially infringe upon privacy rights.
  - For instance, facial recognition technology might identify individuals without consent and risk misuse by law enforcement or other entities.
- **Financial Implications:**
  - Implementing emerging technologies can be financially burdensome, potentially straining the resources of the judicial system.
  - Budgetary constraints may hinder the realization of the benefits these technologies offer.
- **Ethical Considerations:**
  - Ethical concerns arise when integrating emerging technologies into the judicial system.
  - Ensuring these technologies uphold individual rights and maintain the justice system's integrity is crucial.

- The absence of a human "conscience" in technological decision-making raises ethical questions about the act of judging.

#### WAY AHEAD:

##### 1. Strengthening the E-Court System:

- Implement a robust e-court system to streamline processes, reduce paperwork, and enhance efficiency.
- Digitize case records, enable online case filing, e-summons, e-payment, and video conferencing for hearings.

##### 2. Transforming the Appointment System:

- Fill vacancies promptly and establish a clear timeline for judge appointments with advance suggestions.
- Introduce the All-India Judicial Services (AIJS) to enhance the quality of appointments.
- Case Management Software: Develop and deploy case management software for tracking case progress, automating administrative tasks, and facilitating better coordination among stakeholders.

##### 3. Data Analytics and Case Prediction:

- Utilize data analytics and AI to analyse past judgments and predict case outcomes.
- Assist judges in making informed decisions, reducing inconsistencies and enhancing judgment quality.

##### 4. Public Legal Education:

- Promote public legal education and awareness programs.
- Empower citizens to understand rights and obligations, reduce unnecessary litigation, and encourage out-of-court settlements.
- Citizen Feedback Mechanism

#### ARTICLES RELATED TO SUPREME COURT:

Article	Title and Description
<b>Article 124</b>	Establishment and Constitution of Supreme Court
<b>Article 125</b>	Salaries and allowances of Judges
<b>Article 126</b>	Appointment of acting Chief Justice
<b>Article 127</b>	Appointment of ad hoc Judges
<b>Article 128</b>	Attendance of retired Judges at sittings of the Supreme Court
<b>Article 129</b>	Supreme Court to be a court of record
<b>Article 130</b>	Seat of the Supreme Court
<b>Article 131</b>	Original jurisdiction of the Supreme Court
<b>Article 132</b>	Appellate jurisdiction of the Supreme Court in appeals from High Courts in certain cases
<b>Article 133</b>	Appellate jurisdiction of the Supreme Court in appeals from High Courts in regard to civil matters
<b>Article 134</b>	Appellate jurisdiction of the Supreme Court in regard to criminal matters
<b>Article 134A</b>	Certificate for appeal to the Supreme Court
<b>Article 135</b>	Jurisdiction and powers of the Federal Court under existing law to be exercisable by the Supreme Court
<b>Article 136</b>	Special leave to appeal by the Supreme Court
<b>Article 137</b>	Review of judgments or orders by the Supreme Court
<b>Article 138</b>	Enlargement of the jurisdiction of the Supreme Court



<b>Article 139</b>	Conferment on the Supreme Court of powers to issue certain writs
<b>Article 139A</b>	Transfer of certain cases
<b>Article 140</b>	Ancillary powers of Supreme Court
<b>Article 141</b>	Law declared by Supreme Court to be binding on all courts
<b>Article 142</b>	Enforcement of decrees and orders of Supreme Court and orders as to discovery, etc.

