

CURRENT AFFAIRS SUPPLEMENT 6

REMISSION

Governments obliged to consider remission of eligible convicts without waiting for application: SC

The direction would apply when the jail manual or any other departmental instruction issued by the appropriate government contained such policy guidelines. States which do not have such a policy have to formulate one within two months, the court said.

Updated – February 18, 2025 09:58 pm IST – NEW DELHI

WHY IN NEWS?

- The Supreme Court of India, in a significant judgment dated February 18, 2025, ruled that appropriate governments are obliged to consider the premature release of convicts once they become eligible, without waiting for the convict or their relatives to file a formal application.
- This direction was issued in a suo motu case titled “In re: policy strategy for grant of bail”, reflecting a proactive judicial approach to prison reforms and the rights of convicts.

Latest SC Guidelines on Remission (2025)

- States must frame or update remission policies within 2 months, ensuring they align with constitutional and judicial norms.
- Remission should be considered suo-motu by the government; convicts need not always apply.
- If remission is to be revoked, the convict must receive prior notice, be given reasons, and allowed to respond.
- Conditions attached to remission must be reasonable and clearly defined, as upheld in **Mafabhai Motibhai Sagar v. State of Gujarat (2024)**.

Remission

- Remission refers to a reduction in the duration of a prison sentence, allowing the convict to be released earlier than the original sentence imposed by the court, without altering the nature or severity of the conviction itself.
- It is typically granted to convicts who meet certain eligibility criteria, such as good conduct in prison or other rehabilitative factors, and is subject to policy-based or statutory provisions.

▶ Article 72

Empowers the President to grant pardons, reprieves, respites, or remissions for offences under Union law or in cases involving military courts.

▶ Article 161

Provides similar powers to the Governor of a State for offences under State law.

▶ Articles 32 and 226

enable the Supreme Court and High Courts, respectively, to intervene in matters of remission through their writ jurisdiction if there is any violation of fundamental rights.

▶ Section 473 of the BNSS, 2023

Empowers the state government to remit sentences, either unconditionally or subject to conditions, at any time.

▶ Section 475 of the BNSS, 2023

Mandates life convicts involving death penalty charges to serve 14 years before remission

Supreme Court Judgments Related to Remission

<p>Laxman Naskar v. Union of India (2000)</p> <p>The Court laid down five guiding factors for remission decisions—impact on society, gravity of the offence, possibility of reoffending, behaviour in prison, and potential for reintegration.</p>	<p>Epuru Sudhakar v. State of Andhra Pradesh (2006)</p> <p>The Court held that remission orders are subject to judicial review if they are arbitrary, based on irrelevant considerations, or reflect non-application of mind.</p>	<p>State of Haryana v. Mahender Singh (2007):</p> <p>The Court clarified that while remission is not a convict's fundamental right, the State must exercise its discretion judiciously and consider relevant factors on a case-by-case basis.</p>	<p>Sangeet & Anr. v. State of Haryana (2013)</p> <p>The Court ruled that remission under Section 432 CrPC cannot be granted suo motu and must be initiated via a formal request—a view now reversed by the 2025 judgment.</p>
<p>Mohinder Singh v. State of Punjab (2013)</p> <p>Reaffirmed that courts cannot independently grant remission; it must originate through executive decision-making.</p>	<p>Union of India v. V. Sriharan (2015)</p> <p>Upheld the concept of life imprisonment without remission, confirming that courts could impose such sentences as an alternative to capital punishment.</p>	<p>Bilkis Bano Case (2024)</p> <p>The Supreme Court quashed the Gujarat government's 2022 remission of 11 convicts, ruling that under Section 432(7) of CrPC, the state where the convict was sentenced is the "appropriate government" to decide remission, not the state where the crime occurred.</p>	<p>Laxman Naskar v. Union of India (2000)</p> <p>The Court emphasized that remission conditions must be clear, non-arbitrary, and reasonable, ensuring that the benefit of remission remains practical and meaningful.</p>

LOK ADALAT

NALSA's third National Lok Adalat settles over one crore cases

More than 17% of settled cases had been pending in various courts, while the rest were pre-litigation cases; approximate value of the total settlement amount in these cases was ₹8,482.08 crore

WHY IN NEWS?

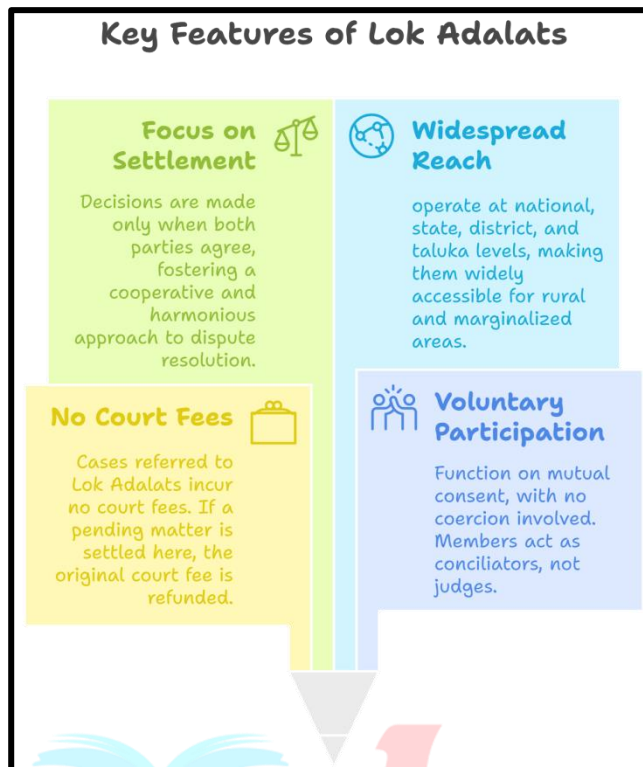
In September 2024, the third National Lok Adalat conducted by the National Legal Services Authority (NALSA) successfully settled over 1.14 crore cases, marking a major step towards reducing judicial backlog in the country.

Lok Adalats

- Lok Adalats, literally meaning “People’s Courts”, are informal forums that provide amicable, compromise-based resolution of disputes without resorting to conventional litigation.
- They fall under the Alternative Dispute Resolution (ADR) framework and aim to deliver speedy, affordable, and accessible justice to all, particularly for minor civil and compoundable criminal matters.
- Lok Adalats handle both pre-litigation cases and cases pending before courts, thereby relieving judicial congestion.

Statutory Backing and Legal Validity

- Lok Adalats derive their authority from the **Legal Services Authorities Act, 1987**, which grants them statutory status.
 - It also empowers Lok Adalats to facilitate settlements in civil, matrimonial, and compoundable criminal matters.
- The awards or decisions made by a Lok Adalat are treated as decrees of a civil court, making them **final, binding, and enforceable**.
- These awards **are not appealable**, thus ensuring finality and reducing delays; however, any party dissatisfied with the award may opt to initiate fresh litigation, maintaining the right to judicial recourse.



Advantages of Lok Adalats

- **Speedy Justice:** Cases are settled quickly, significantly reducing pendency in courts.
- **Cost-Effective:** The absence of court fees and minimal procedural formalities make it an affordable legal remedy.
- **Promotes Harmony:** The compromise-based model avoids adversarial proceedings and helps maintain cordial relationships between disputing parties.
- **Judicial Relief:** By handling minor disputes outside formal courts, Lok Adalats allow courts to focus on more complex and serious cases.

Limitations of Lok Adalats

- **Conciliatory Role Only:** Members cannot impose a solution; they merely guide parties to reach a consensus, which can limit effectiveness in contentious cases.
- **Dependence on Mutual Consent:** A settlement is possible only if both parties agree, making the process vulnerable to breakdown.
- **Restricted Appeals:** Since no appeal can be filed against a Lok Adalat award, dissatisfied parties may hesitate to participate if they fear an unjust compromise.

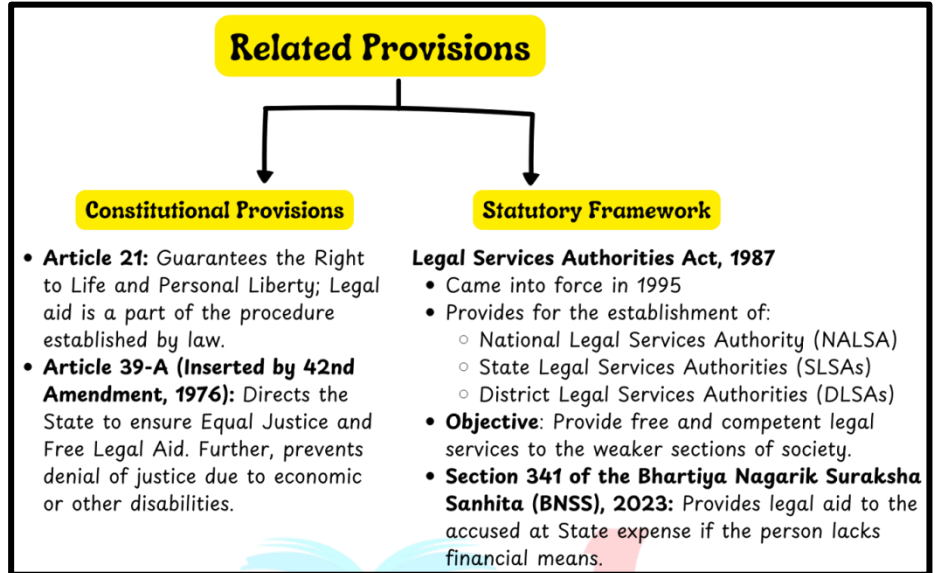
FREE LEGAL AID IN INDIA

WHY IN NEWS?

The Supreme Court of India issued a comprehensive judgment aimed at strengthening free legal aid services for prisoners, emphasising that “legal aid to the poor should not be poor legal aid.”.

Free Legal Aid in India

- Legal aid ensures that economic or social disadvantages do not deny individuals their right to justice.
- It is critical in a country like India, where a large section of society cannot afford the cost of legal representation.



National Legal Services Authority (NALSA)

- A **statutory body** under the Legal Services Authorities Act, 1987.
- **Functions of NALSA**
 - Formulates policies, principles, and guidelines for legal aid implementation.
 - Designs schemes and coordinates with SLSAs and DLSAs.
 - Organizes Lok Adalats for settlement of disputes.
 - Monitors and evaluates legal aid programs across India.

Eligibility for Free Legal Aid	Significance of Free Legal Aid
<ul style="list-style-type: none"> • Women and children • Scheduled Castes/Scheduled Tribes • Industrial workmen • Victims of: <ul style="list-style-type: none"> ◦ Mass disasters ◦ Natural calamities (flood, drought, earthquake) ◦ Industrial disasters ◦ Human trafficking or begar (forced labor) • Persons with disabilities • Persons in custody (jail, protective homes, juvenile homes, psychiatric hospitals) • Income criteria: <ul style="list-style-type: none"> ◦ Below ₹1 lakh annually (States may prescribe higher) ◦ For Supreme Court matters: Below ₹5 lakh annual income 	<ul style="list-style-type: none"> • Social Welfare and Justice <ul style="list-style-type: none"> ◦ Empowers marginalised communities. ◦ Allows the poor to challenge discrimination and systemic injustice. • Protection of Rights <ul style="list-style-type: none"> ◦ Ensures fair trial, legal representation, and equality before law. ◦ Enforces fundamental rights under Articles 14, 21, and 22. • Strengthening the Rule of Law <ul style="list-style-type: none"> ◦ Promotes public trust in judicial institutions. ◦ Encourages respect for legal norms and constitutional values. • Legal Awareness <ul style="list-style-type: none"> ◦ Legal aid promotes education about rights and remedies. ◦ Encourages early intervention (e.g., NALSA's Early Access to Justice).

GRAM NYAYALAYAS

WHY IN NEWS?

The Supreme Court has raised serious concerns regarding the feasibility of implementing the Gram Nyayalayas Act, 2008, citing poor infrastructure and lack of resources even for regular courts across the country

Gram Nyayalayas

- Established under the Gram Nyayalayas Act, 2008, these courts aim to provide quick, affordable justice to rural India. They seek to ease the burden on district courts by bringing justice to people's doorsteps.
- **Territorial Scope**
 - The Act applies to all states and UTs, except Nagaland, Arunachal Pradesh, Sikkim, and tribal areas under the Sixth Schedule.
 - States have the option, but aren't required, to establish these courts.
- **Establishment & Structure**
 - State governments, in consultation with High Courts, set up Gram Nyayalayas in intermediate Panchayats or clusters of Panchayats.
 - The headquarters can be located in the Panchayat or a government-notified area.
- **Presiding Officer: Nyayadhikari**
 - Nyayadhikari (Presiding Officer), appointed by the state government, has the powers, salary, and benefits equivalent to a Judicial Magistrate of First Class.
 - Nyayadhikaris visit villages to conduct hearings, enhancing accessibility.
- **Jurisdiction & Case Types:** Criminal and civil cases as specified in the First and Second Schedules are handled ; States can modify territorial jurisdiction as needed.
- **Procedures and Conciliation**
 - Summary procedure is followed in criminal cases for speedy resolution.
 - Conciliation is encouraged, with conciliators helping resolve disputes informally.
 - Natural justice guides proceedings instead of formal evidence laws.
- **Appeals**
 - Criminal matters: Appeal in the Sessions Court.
 - Civil matters: Appeal in the District Court

MERCY PETITION

Cell to deal with mercy petitions for death row convicts: Why Maharashtra govt has set this up

This comes following a Supreme Court order to this end issued in December 2024

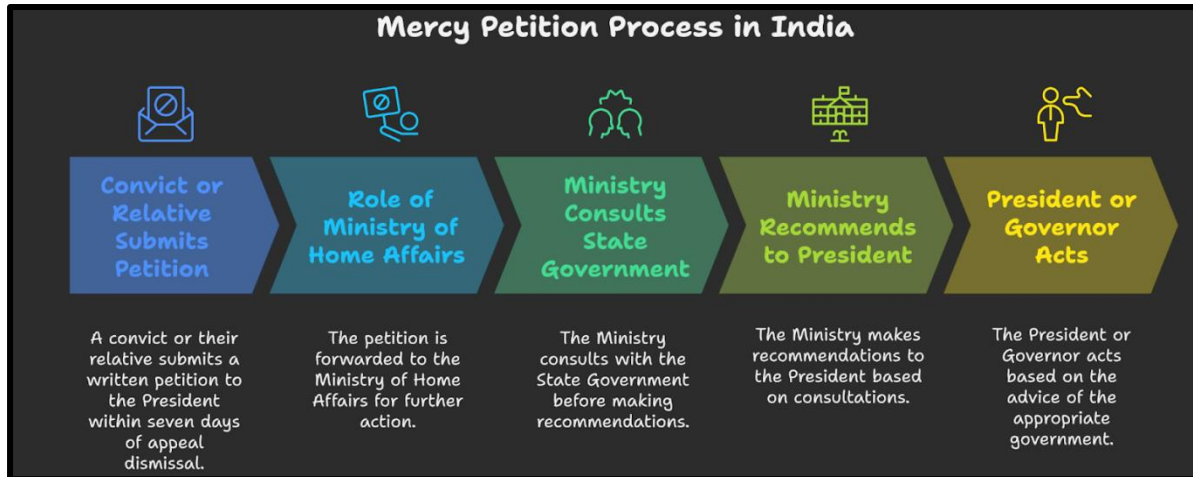
WHY IN NEWS?

The Maharashtra government has established a dedicated cell to handle mercy petitions from death row convicts after a Supreme Court order in December 2024. This initiative comes in response to

delays in the execution of death sentences, which the SC highlighted as having a dehumanizing effect on the convicts.

Mercy petitions

- A mercy petition is a formal request made by a convict or their representative seeking clemency from the President of India or the Governor of a state. It is the last resort for a convict after the legal process, especially in death penalty cases.

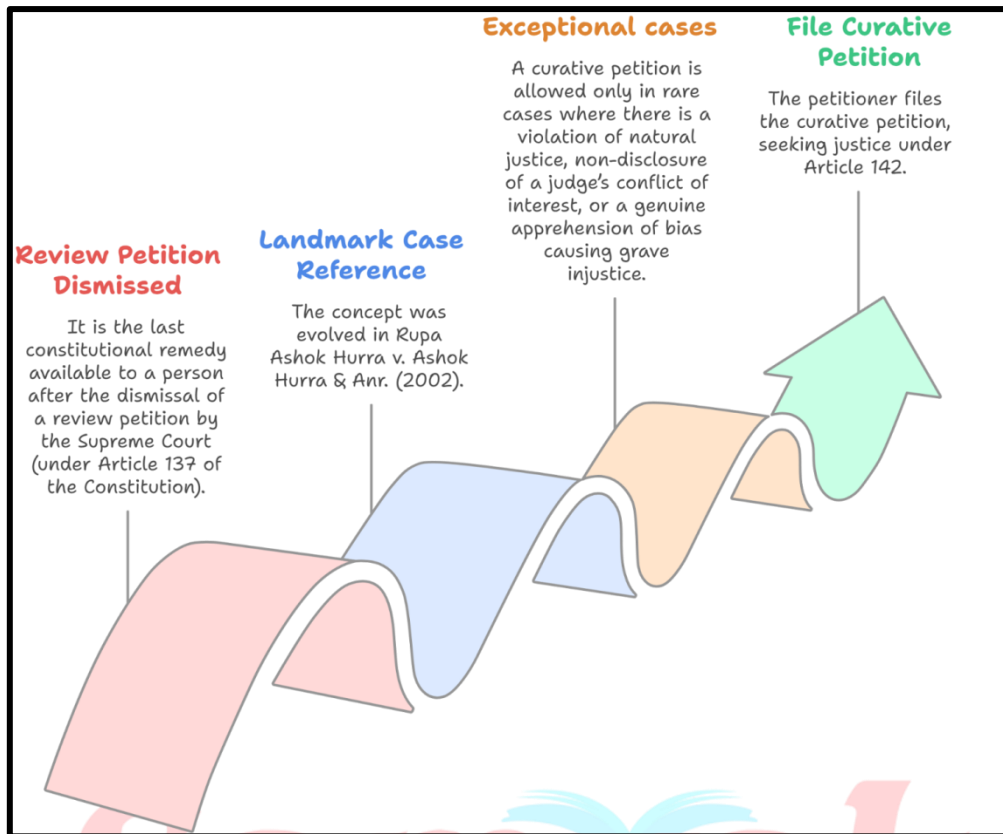


Constitutional Provisions	Challenges and Legal Ambiguities
<ul style="list-style-type: none"> Article 72 (President's Power): <ul style="list-style-type: none"> Grants the President of India the authority to grant pardons, reprieves, respites, or remissions of punishment. The President can also suspend, remit, or commute the sentence of any person convicted of an offense: In cases of Court Martial. <ul style="list-style-type: none"> For offenses against Union laws. In death sentence cases. Article 161 (Governor's Power): <ul style="list-style-type: none"> Grants Governors of States similar powers to grant pardons, reprieves, remissions, or commutations of punishment. President has the power to pardon court martial sentences, while Governors do not have this authority. President can pardon death sentences, but Governor can not. 	<ul style="list-style-type: none"> No Statutory Procedure: There is no formal written procedure for dealing with mercy petitions, leading to potential delays and inconsistencies in processing. No Time Limit: Both Article 72 and Article 161 do not prescribe a time limit for processing mercy petitions, which can lead to unnecessary delays.
	Significance and Need for Reform <ul style="list-style-type: none"> The lack of time-bound processing of mercy petitions, especially in death penalty cases, has led to calls for judicial and administrative reforms to ensure quick and fair resolution. Delays in mercy petitions can result in mental anguish for the convict, and reforming the process can restore faith in the justice system.

CURATIVE PETITION

WHY IN NEWS?

The Supreme Court of India dismissed curative petitions filed by major telecom companies like Bharti Airtel and Vodafone Idea. These petitions challenged the October 2019 SC judgment, which upheld the Department of Telecommunications (DoT) decision to include non-telecom revenues in the Adjusted Gross Revenue (AGR) calculations. The SC held that no case of manifest injustice or error was made out as per the precedent set in *Rupa Ashok Hurra v. Ashok Hurra* (2002).



ZERO FIR

WHY IN NEWS?

The Union Ministry of Home Affairs (MHA) has directed Chief Secretaries and DGPs of Union Territories to ensure that Zero FIRs filed in local languages are accompanied with English translations when sent to other states.


Zero FIR

- **Definition:** A Zero FIR is an FIR that can be registered at any police station, regardless of the place where the offence occurred.
- **Purpose:** Ensures immediate registration of cognizable offences, especially in emergency or sensitive cases, without being delayed due to jurisdictional issues.
- **Process:**
 - Initially, no FIR number is assigned — hence the name "Zero" FIR.
 - It is later transferred to the police station having jurisdiction over the area of the crime.
 - That station then re-registers it as a regular FIR and begins investigation.
- **Legal Provision:** Provided under **Section 531(1)** of the Bharatiya Nagarik Suraksha Sanhita, 2023.
- **Background:** Recommended by the Justice Verma Committee, formed after the 2012 Nirbhaya case, to ensure swift justice in crimes against women.

FAST-TRACK SPECIAL COURTS (FTSCS)

WHY IN NEWS?

A report titled “Fast Tracking Justice: Role of Fast Track Special Courts in Reducing Case Backlogs” by India Child Protection highlighted the remarkable efficiency of FTSCs in disposing of rape and POCSO cases.

	<h3 style="background-color: #FFD700; padding: 2px;">FAST-TRACK SPECIAL COURTS (FTSCS)</h3> <ul style="list-style-type: none"> Type: Centrally Sponsored Scheme, launched in 2019 and extended till 2026 Objective: To ensure swift disposal of cases related to rape and the Protection of Children from Sexual Offences (POCSO) Act, 2012. Implementation: Managed by the Department of Justice, under the Ministry of Law and Justice. Funding: Entirely funded by the Central Government from the Nirbhaya Fund. Status (2024): <ul style="list-style-type: none"> 755 FTSCs functional out of the sanctioned 1023. Includes 410 exclusive POCSO courts (ePOCSO). Operational in 30 States/UTs. Tech Integration: FTSCs are linked with the National Judicial Data Grid (NJDG) for transparency and monitoring.
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DOCTRINES IN NEWS

<div style="background-color: #FFD700; display: inline-block; padding: 5px 10px; border-radius: 10px;">Doctrines in news</div>	
<h3 style="background-color: #FFD700; padding: 2px;">Doctrine of Coverture:</h3> <ul style="list-style-type: none"> In news: <u>Supreme Court Hearing</u>: Petitions challenging the Marital Rape Exception (MRE) under Section 375 of the IPC and Section 63 of Bharatiya Nyaya Sanhita (BNS), 2023. Joseph Shine v. Union of India (2018): SC criticized the Marital Rape Exception, linking it to the Doctrine of Coverture. Doctrine of Coverture: A legal concept under English common law that treated a married woman as legally subsumed under her husband's identity, limiting her legal rights and independence. Issue: The case highlights concerns over gender equality and women's rights in marital relationships 	<h3 style="background-color: #FFD700; padding: 2px;">Doctrine of Harmonious Construction</h3> <ul style="list-style-type: none"> In news: <u>Supreme Court Ruling</u>: Refused to condone delay in filing, but outlined principles for harmonious construction of Sections 3 and 5 of the Limitation Act, 1963. Condonation of Delay: Refers to the discretionary power of courts to extend the time limit for filing appeals or applications. Doctrine of Harmonious Construction: A principle where, in case of conflict between two laws, the interpretation aims to uphold the essence and spirit of both laws by reconciling them. Origin: The doctrine originated from the Shankari Prasad v. Union of India judgment following the First Amendment to the Constitution.

CRIMINAL LAW REFORM

Three bills introduced in Lok Sabha

Indian Penal Code (IPC), 1860

TO BE REPLACED BY

Bharatiya Nyaya Sanhita Bill, 2023

- It will have **356 sections** (instead of 511 sections in IPC)
- 175 sections have been amended
- 8 sections have been added, and 22 sections have been repealed

Code of Criminal Procedure (CrPC), 1973

TO BE REPLACED BY

Bharatiya Nagarik Suraksha Sanhita, 2023

- It will have **533 sections** (instead of 478 sections in CrPC)
- 160 sections have been changed
- 9 sections have been added, and 9 sections have been repealed

Indian Evidence Act, 1872

TO BE REPLACED BY

Bharatiya Sakshya Bill, 2023

- It will have **170 sections** (instead of 167 sections in IEA)
- 23 sections have been changed
- 1 section has been added, and 5 sections have been repealed

"From 1860 to 2023, the country's criminal justice system functioned as per the laws made by the British. I can assure the House that these bills will transform our criminal justice system. The aim will not be to punish, it will be to provide justice."

— **AMIT SHAH**

WHAT NEXT

The three bills will be studied by the standing committee on home affairs, which is chaired by BJP MP Brijlal (who is a retd IPS officer).



Bharatiya Nyaya Sanhita (BNS), 2023

It replaces the Indian Penal Code (IPC), 1860, the principal law on criminal offences in India.

Additions / Retained
Retains IPC provisions: murder, abetment of suicide, rape, etc.
Gender-neutral provisions for rape, voyeurism, stalking and insulting the modesty of a woman. <ul style="list-style-type: none"> • In gang rape, the victim age threshold is now 18 (earlier 16). • Criminalises sexual acts through deceit or false promises.
Introduces terrorism as a punishable offence. (absent in IPC) Now defined as acts intended to: <ol style="list-style-type: none"> 1. Threaten unity, integrity, security, or economic security of India. 2. Strike terror in people or a group. Punishment: <ol style="list-style-type: none"> 1. Death/life imprisonment + fine if it causes death. 2. 5 years to life imprisonment + fine otherwise.
Organised crime introduced for the first time; (e.g., contract killing, scams) <ul style="list-style-type: none"> • A new category added: "Petty Organised Crime" (e.g., snatching, paper leaks). Punishment: <ul style="list-style-type: none"> • Death/life + ₹10 lakh fine (if it causes death). • 5 years to life + min ₹5 lakh fine otherwise.
Mob lynching: a new provision defined as separate offence <ul style="list-style-type: none"> • Covers murder/grievous hurt by 5+ people based on caste, religion, language, etc. • Punishable with life imprisonment or death.

<ul style="list-style-type: none"> Capital punishment for lynching introduced for the first time.
Criminalises fake news and misinformation
Public property damage penalised with graded fines
Punishes suicide attempt to obstruct public duty
Speedy Legal Procedure <ul style="list-style-type: none"> Charge sheet: Within 90 days, extendable by another 90. Investigation: Must conclude in 180 days. Charges framed: Within 60 days of charge sheet. Judgment: Within 30 days of trial end. Judgment upload: Online within 7 days of pronouncement.
Deletions / Repealed
Section 377 (unnatural sexual offences) repealed; decriminalises consensual homosexual acts as per SC 2018 Navtej Singh Johar case .
Adultery (Section 497) removed – struck down in <i>Joseph Shine case</i>
Offence of sedition replaced with broader anti-secession provisions; se of words, signs, e-communication, financial support, etc.
Removal of " Thugs " – colonial-era terminology
Mandatory death sentence for life convicts struck down

BHARATIYA NAGARIK SURAKSHA SANHITA 2023

The BNSS, 2023, replaces the colonial-era Criminal Procedure Code (CrPC), 1973, introduces transformative changes in India's criminal justice process, with a focus on digitisation, efficiency, victim-centric reforms, and modern policing.

B N S S	Detention of Undertrials: <ul style="list-style-type: none"> A first-time offender who has completed one-third of the maximum sentence can be released on bond. Any accused who has served half the maximum term shall be granted bail by court. ⚠ Exceptions: This rule doesn't apply to offences punishable by death, life imprisonment, or those with multiple pending cases. 	Specimen Collection: <ul style="list-style-type: none"> Magistrate can now order the collection of signatures, handwriting, voice samples, and finger impressions. These samples can also be taken from non-arrested individuals, expanding the evidentiary net. 	Medical Examination of Accused: <ul style="list-style-type: none"> Earlier allowed only by a sub-inspector and above, now any police officer can request medical examination, including in rape cases.
	Timelines for Procedural Efficiency: <ul style="list-style-type: none"> Time-bound steps have been mandated, such as: <ul style="list-style-type: none"> Timely submission of medical reports to the IO Judgment delivery deadlines Regular updates to victims Faster framing of charges 	Forensic Investigation: <ul style="list-style-type: none"> Mandatory for all offences punishable by 7 years or more. If a state lacks forensic facilities, it must utilise those in another state, strengthening cross-jurisdictional cooperation. 	

BHARATIYA SAKSHYA ADHINIYAM, 2023

- The Indian Evidence Act (IEA), 1872, a colonial-era law, laid the foundation for admissibility of evidence in civil and criminal proceedings for over 150 years. It was enacted to consolidate rules regarding what constitutes valid evidence in courts and how it can be used to conclude and pronounce judgments.

- In a bid to decolonise and modernise India's legal system, the Bharatiya Sakshya Adhiniyam, 2023 replaces the IEA, bringing key reforms especially suited for the digital era and contemporary judicial needs.

Key Provisions under Bharatiya Sakshya Adhiniyam, 2023

- **Electronic/Digital Evidence at Par with Paper Records:**
 - Electronic and digital records — including SMS, emails, cloud-stored data, and blockchain records — shall now have the same legal validity as physical documents.
 - Ensures courts adapt to a technology-driven society.
- **Electronic Oral Testimony Allowed:**
 - Oral evidence (e.g., witness statements) can now be given via electronic means, such as video conferencing, especially useful for sensitive cases or witnesses located remotely.
 - This strengthens access to justice and witness protection.
- **Joint Trial of Absconders:**
 - If an accused absconds or does not respond to an arrest warrant, their trial may still proceed under a joint trial with other co-accused.
 - This provision prevents undue delay in justice and curbs misuse of procedural gaps by habitual offenders.