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ANALYSIS**



LAKSHYA ACADEMY®

08 MAY 2024

1 - Changing the Bail System for Undertrials in India:

GS II

Judiciary related issues

- **Context:**

- The ineffectiveness of India's bail system and its contribution to the worsening of the undertrial detention crisis are brought to light by the Supreme Court of India's recognition non the case of Satender Kumar Antil v. Central Bureau of Investigation, 2022.
- This acknowledgment highlights how urgently bail regulations must be changed in order to solve structural issues with the criminal justice system.

- **What worries are there about the bail system in India?**

- **High Population of Undertrials:**

- Undertrials make up more than 75% of India's jail population, suggesting serious issues with the country's bail system.
- Someone who is charged with a crime but has not been found guilty is an undertrial prisoner. While their case is being heard in court, they are detained in judicial custody.
- The criminal justice system in India has systemic problems, as seen by the 118% overcrowding rate in jails.

- **Bail Hearing:**

- When determining bail, the court's discretion is crucial, taking into account the particulars of each case.
- Guidelines for this power are provided by the Supreme Court, which emphasises the necessity of granting bail while permitting denials depending on variables such as the seriousness of the offence and the probability of absconding.
- Despite the rules that support the release of bail, courts frequently tend to deny bail or impose tight conditions.
- Courts usually don't explain their rulings, so it's hard to understand why they reject someone bail.
- These broad exceptions disproportionately affect marginalised people, who are thus subject to strict terms or even refusal of bail.

- **Difficulties with Bail Compliance:**

- Due to their inability to adhere to the terms of their bail, many undertrials remain behind bars even after being granted it.

- One of the biggest barriers to compliance is the lack of resources to organise money or property and locate local sureties.
- Compliance is also hampered by other issues such not having identification or proof of residency, having family members desert you, and having trouble navigating the legal system.
- It is essential to assist undertrials in adhering to bail requirements and making court appearances, particularly for those who are disadvantaged structurally.
- Current bail regulations fall short in addressing these issues.
- The data obtained from the Fair Trial Programme (FTP) in Yerwada and Nagpur indicates that the current bail regulations fall short in addressing these issues.
- In 14% of cases, undertrials were imprisoned indefinitely because they were unable to follow the terms of their bail.
- It took more than a month in nearly thirty-five percent of the cases for undertrials to satisfy the requirements of their bail and be released.

- **Absence of Protections:**

- The Supreme Court underlines how crucial it is to have protections against arbitrary arrest in order to lessen the necessity of requesting bail.
- Arresting and holding someone without appropriate due process or evidence of a crime is known as arbitrary arrest and detention.
- Unfortunately, the bulk of undertrial inmates are people from underprivileged backgrounds, and these precautions frequently leave them out.
- This problem is shown by data from the FTP: of the 2,313 undertrials it represented, 18.50% were migrants, 93.48% had no assets, 62.22% had no contact with relatives, and 10% had served time in prison in the past.
- According to this data, a sizable portion were wrongfully denied arrest protections, which adds to the high rate of incarcerated undertrials.

- **Imperfect Presumptions:**

- The current bail system on the assumption that everyone who is arrested can afford bail or has strong social ties.
- It feels that taking a financial risk is essential to guarantee the accused's court appearance.
- The idea of "bail not jail," which seeks to free people awaiting trial, is in conflict with this.
- Therefore, it is necessary to alter the bail system; however, any changes should be predicated on an understanding of the issue as shown by empirical data.

- **The Way Ahead:**

- Rewrite bail regulations to guarantee that everyone is treated fairly and equally, regardless of socioeconomic background. Take into account changes to resolve structural problems that lead to the high rate of undertrials.
- The Supreme Court urges the adoption of unique bail laws that are comparable to the UK's Bail Act.

- With the passage of this Act, bail judgements would be made with clear criteria and a general right to bail established. Its goal is to lessen dependency on financial bonds and sureties.
- Undertrial inmates should have legal assistance and support in order to comply with bail requirements and court appearances.
- Make sure that everyone has access to and is included in the safeguards against arbitrary arrest, especially those from underprivileged backgrounds.
- Create support programmes that give undertrials access to social services, legal representation, and financial aid in order to help them meet the requirements of their bail.
- To create comprehensive methods to bail reform, encourage cooperation between governmental entities, courts, civil society organisations, and neighbourhood associations.
- Provide procedures for continuing oversight and assessment of bail reform programmes in order to gauge their success and pinpoint areas in need of development.

Source → The Hindu

2 - Conflict surrounding the Shanan Hydropower Project:

GS III

Infrastructure related issues

- **Context:**
- Punjab and Himachal Pradesh have rival claims over the Shanan hydroelectric project, over which the central government recently ordered the maintenance of the status quo.
- Punjab has brought this matter before the Supreme Court.
- **What is the Shanan Project, and what are the various parties' claims regarding it?**
- **Background History:**
- In 1925, Punjab was given a lease for a 110 megawatt hydroelectric project on the Uhl River, a tributary of the Beas River, in the Mandi district of Himachal Pradesh's Jogindernagar. This was during the British rule.
- Raja Joginder Bahadur, the Mandi monarch at the time, and Col BC Batty, the Chief Engineer of Punjab and representative of the British government, confirmed their leasing arrangement.
- **Project Usefulness:**
- Before India attained independence, the hydropower plant supplied Delhi's and Punjab's electricity demands.

- After the division, the transmission line was cut near Verka village in Amritsar and the supply to Lahore was stopped.

- **Legal Authority under the 1966 Punjab Reorganisation Act:**

- The hydroelectric project was moved to Punjab during the 1966 state reform, when Himachal Pradesh was made a Union Territory.
- The Union Ministry of Irrigation and Power officially assigned Punjab to the project on May 1, 1967, through a federal announcement.
- The notification made clear that the Punjab Reorganisation Act, 1966's rules will regulate Punjab's legal authority over the project.

- **Himachal Pradesh's claim:**

- Himachal Pradesh held ownership and operating rights to the project prior to the 1925 lease, which gave Punjab the project.
- Punjab was only given operational rights under the terms of the 1925 lease; ownership rights were not conferred.
- Himachal Pradesh has argued in recent years that the project ought to remain under its jurisdiction once the lease expires.
- The government of Himachal Pradesh has expressed worry, claiming that Punjab has not been maintaining and repairing the project, which has resulted in its declining state.
- In a letter to his colleague in Punjab last year, the chief minister of Himachal Pradesh had threatened to block Punjab from claiming ownership of the plant after the lease time. He had also brought up the matter with the Union Ministry of Power.

- **Claim for Ownership and Possession:**

- Punjab has argued before the Supreme Court that, in accordance with the central notification of 1967, it is the legitimate proprietor and occupant of the Shanan Power House Project.
- Presently, Punjab State Power Corporation Ltd (PSPCL), a subsidiary of the state government, is in charge of all project-related assets.
- The Punjabi government has asked the Supreme Court for a "permanent Prohibitory Injunction" in accordance with Article 131.
- The purpose of this injunction is to stop the government of Himachal Pradesh from interfering with the Project's "lawful peaceful possession and smooth functioning."
- The 99-year lease was about to expire when the Central government stepped in and issued an order to keep things as they were on the Project. This step was taken to guarantee the project would continue to run smoothly.
- The Ministry of Power issued the directive. It made use of the authority granted by the Punjab Reorganisation Act, 1966, Sections 67 and 96, as well as Section 21 of the General Clause Act, 1887.

Source → The Hindu



3 - Tamilnadu's New Rocket Launchport:

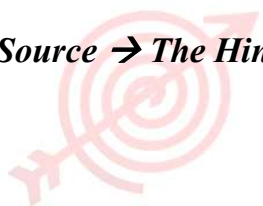
GS III

Science and Technology related issues

- **Context:**
- The Indian Prime Minister recently lay the cornerstone for the Indian Space Research Organization's (ISRO) second rocket launchport at Kulasekarapattinam, Tamil Nadu.
- **Why Would a New Launchport Be Needed?**
- **Abilities and Overloading**
- It is anticipated that allowing private entities into the space industry will result in a large rise in commercial launches.
- Existing launch facilities, such the Satish Dhawan Space Centre (SDSC) SHAR (Sriharikota Range) in Sriharikota, may be overrun by this increase in demand.
- In order to guarantee that there is enough capacity to handle the increasing number of launches without overloading current facilities, a new launch port must be established.
- **Expanding the Range of Launch Services:**
- The ISRO can diversify its launch services by designating the Kulasekarapattinam launchport for smaller payloads and reserving the SDSC SHAR principally for larger and heavy-lift-off missions.
- This specialisation enables more effective use of infrastructure and resources adapted to particular mission needs.
- **Assistance for Individual Players:**
- The construction of a new launchport gives private companies access to specialised infrastructure for the development of space-qualified subsystems, satellite construction, and vehicle launches.
- This promotes competition and innovation in the space industry by encouraging private investment and participation.
- **What Does the Kulasekarapattinam Launchport Mean?**
- **Geographical Benefit:**

- The Kulasekarapattinam launchport offers ISRO a clear edge for upcoming Small Satellite Launch Vehicle (SSLV) launches in terms of geography, science, and strategy.
- With its direct southerly launch trajectory and reduced launch size for lighter SSLVs that carry less fuel, the Kulasekarapattinam facility will support ISRO's efforts to increase payload capabilities.
- Unlike launches from the Satish Dhawan Space Centre (SDSC) SHAR, which require a longer trajectory that involves dogleg manoeuvring around Sri Lanka to the east, Kulasekarapattinam missions can go directly south.
- Fuel consumption is minimised by this improved trajectory, which is especially important for SSLVs with restricted onboard fuel capacity.
- **Equatorial Position:**
 - Kulasekarapattinam is positioned close to the equator, just like the SDSC SHAR.
 - The Earth's rotation helps launch sites close to the equator since it gives rockets a considerable velocity boost before takeoff.
 - Increased cargo capacity is made possible by this velocity boost, which is especially helpful for missions heading for geostationary orbit.

Source → The Hindu



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4 - PLI Scheme and Penicillin G:

GS II

Government Policies and Interventions

- **Context:**

- Three decades after the last Indian facility closed, Penicillin G will once again be manufactured in India in 2024. One of the achievements of the government's Production Linked Incentive (PLI) programme, which was introduced during COVID-19 to support homegrown industry, is this.
- The active pharmaceutical ingredient (API) used to make a number of popular antibiotics is penicillin G.
- APIs, commonly referred to as bulk medicines, are important components used in the production of pharmaceuticals. China's Hubei province serves as the centre of the API manufacturing sector.

- **Why did India stop producing penicillin?**

- **Manufacturing Shutdown:**

- Penicillin G was one of many active pharmaceutical ingredients (APIs) produced in India that had to be discontinued because of the flood of reasonably cost Chinese substitutes.
- In the 1990s, the nation was home to at least five businesses that produced Penicillin G. But Indian manufacturers were forced to shut down because their products could no longer compete economically due to the much lower prices of Chinese competitors.
- It was necessary to liquidate numerous large manufacturing units for scrap.
- The Drug Prices Control Order, which imposed price ceilings on necessary medications, also encouraged the use of less expensive imports.
- For instance, the advent of Chinese competitors cut prices to around Rs 400 per kilogramme, making domestic manufacture economically unfeasible. Initially, India supplied paracetamol for about Rs 800 per kilogramme.

- **Revival's Delay:**

- In the past, there wasn't much of a need to restart Penicillin production domestically because there were plenty of less expensive options on the international market.
- The pandemic's supply chain interruption served as a wake-up call, emphasising the need for independence.
- To support home production, the government launched the PLI programme as a result.

- One major obstacle is the high initial cost, especially for fermented antibiotics like Penicillin G, which need a large capital investment and can take years to become profitable.
- Furthermore, China has become a major supplier already, having greatly increased its capacity for production over the last thirty years.
- It would take massive expenditures in larger facilities to match their prices.

- **Effects of PLI Plans:**

- The PLI scheme's deployment has resulted in a notable decline in API imports.
- For instance, imports of paracetamol have decreased by half from their pre-pandemic levels.
- Even Nevertheless, a sizable amount of APIs—especially those related to antibiotics—are still imported, underscoring the necessity for more advancements in domestic API production.
- The PLI system provides incentives for fermentation-based bulk pharmaceuticals, such as antibiotics, enzymes, and hormones like insulin: 20% support for the first four years, 15% for the fifth year, and 5% for the sixth year.
- These medications are thought to be more difficult to produce because fermentation is a part of the manufacturing process.
- Furthermore, a 10% incentive on qualified sales over a six-year period is available for pharmaceuticals that are chemically synthesised.

- **The Production Linked Incentive Scheme (PLI): What is it?**

- The PLI programme was designed to increase employment and import substitution while also increasing indigenous industrial capacity.
- When the programme was first introduced in March 2020, it focused on three industries:
 - Transportable and related Component Production
 - Manufacturing of Electrical Components and
 - medical equipment.
- It was later expanded to fourteen sectors.
- Based on a portion of their income over a maximum of five years, domestic and foreign businesses are rewarded financially for manufacturing in India under the PLI plan.

- **Sectors Aiming at Target:**

- The manufacturing of mobile devices, medical equipment, autos and auto parts, pharmaceuticals, drugs, telecom and networking products, electronic products, white goods (ACs and LEDs), food products, textile products, solar PV modules, advanced chemistry cell (ACC) batteries, and drones and drone parts are the 14 sectors.

- **Rewards Under the Plan:**

- The incentives are determined by taking into account the incremental sales.

- Certain industries, like advanced chemical cell batteries, textile products, and drones, will determine the incentive to be awarded based on sales, performance, and local value addition over a five-year period.
- The sector will be able to stay competitive in the global market and keep up with changes thanks to the emphasis on R&D expenditure.
- **Achievements in the Production of Smartphones:**
- There was a trade deficit of USD 3.3 billion in FY 2017–18 due to the USD 3.6 billion in mobile phone imports and USD 334 million in exports.
- By FY 2022–2023, exports had increased to about USD 11 billion, while imports had decreased to USD 1.6 billion, resulting in USD 9.8 billion in positive net exports.

Source → The Hindu



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