



27-08-2022

Injustice of Exceptionalism

Quick Issue?

- The state government says, these people have already completed 14 years of their imprisonment and have behaved well in court and hence they are eligible for remission.
- According to experts, 'punishment-avoidance' is inappropriate for heinous crimes like rape and murder.
- Earlier, a special Central Bureau of Investigation had sentenced these people to life imprisonment in 2008.

Historical Background?

- 'Remission' means reduction of sentence without changing the nature of punishment, ie, the reduction of sentence of one year to six months.
- That is, in the case of 'avoidance', the convict is not required to serve the remaining sentence. For example, if a person is sentenced to 20 years, his sentence is now reduced to 15 years.
- Arguments against release of convicts ineligible for premature release: Like most states, Gujarat's current 'punishment-avoidance policy' makes rape convicts ineligible for premature release. In Gujarat, a new and revised 'punishment-avoidance policy' for prisoners was adopted in 2014.
- The release of these persons is against justice for the victim and the minority community. Some experts consider the release of the accused politically motivated.
- **Arguments for release:-** Punishment-avoidance policy of 1992:- However, the Supreme Court of India had earlier ruled that in this case, the question of 'avoidance' would be governed by the 1992 sentencing-avoidance policy in force at the time of conviction, in which those convicted of rape were not excluded from the 'remission of punishment' to be given by the executive.
- **Basis of Good Behaviour:** State governments have prescribed behaviours/activities from which prisoners can earn a few days in the form of 'avoidance', which is then reduced in their sentence.
- **Code of Criminal Procedure:** However, the Code of Criminal Procedure (CrPC) makes it clear that convicts serving life imprisonment, before being considered for 'remission' or 'premature release', Must undergo actual imprisonment of at least 14 years.

Other Key Facts?

About Article 161

- This article deals with the pardoning powers of the Governor.
- Under Article 161 of the Constitution, the Governor of a State shall, in relation to the matter to which the executive power of that State extends, pardon, suspend the punishment of any person convicted of any offense against any law, Power to suspend or remit or to suspend, remit or commute a sentence is given.



- But in this case, all the 11 convicts have completed more than 15 years of imprisonment and hence, the count of 14 years becomes irrelevant.
- Premature release rules have also been developed by the State Governments including the power to give effect to the pardoning powers of the Governor under Article 161 of the Constitution.
- The powers of the Governor are not governed by the 'Code of Criminal Procedure' (CrPC) and are often used to circumvent the requirement of actual imprisonment of minimum 14 years in the CrPC.

Likely Question Asked In Preliminary Exam

Que. Which of the following statements is not correct regarding the Governor?

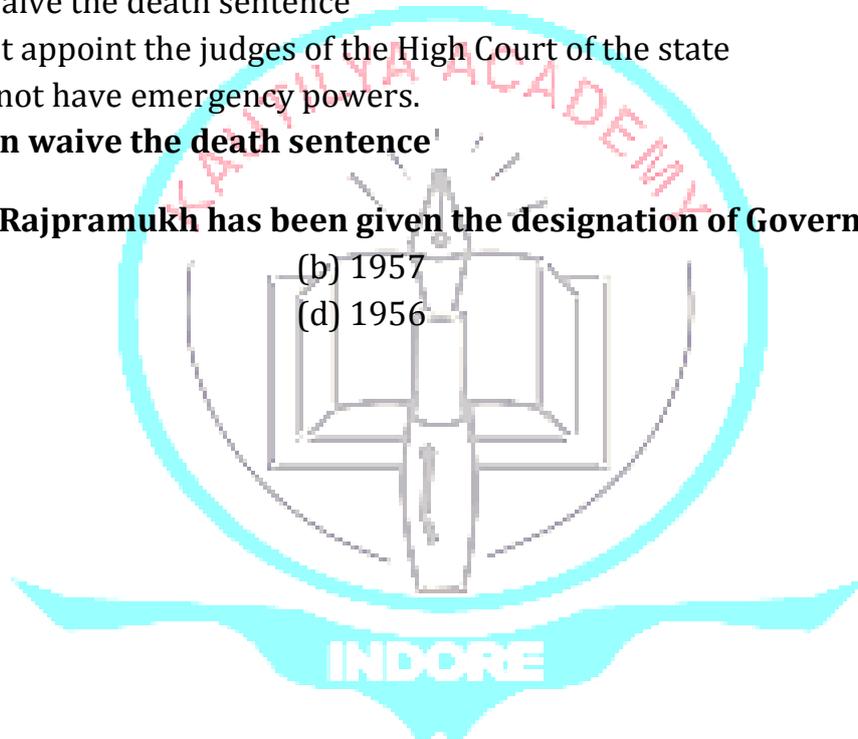
- (a) He is a part of the state legislature.
- (b) He can waive the death sentence
- (c) He cannot appoint the judges of the High Court of the state
- (d) They do not have emergency powers.

Answer: (b) He can waive the death sentence

Que. The post of Rajpramukh has been given the designation of Governor (Governor)?

- (a) 1950
- (b) 1957
- (c) 1959
- (d) 1956

Answer: (b) 1956



One Nation One Fertilizer

Why in Newspapers?

One Nation One Fertilizer scheme is going to be implemented in the country from October 2, 2022.

Quick Issue?

- Under this scheme all types of fertilizers will be sold in India under the same brand name 'Bharat'.
- The government has renamed the fertilizer subsidy scheme as Pradhan Mantri Bhartiya Janurvarak Pariyojna (PMBJP).
- After the implementation of this scheme, Bharat Urea, Bharat DAP, Bharat MOP and Bharat NPK will be available in the market under single brand names like Urea, DAP, MOP and NPK etc.

Other Key Facts?

Potential Drawbacks

- It will discourage fertilizer companies from undertaking marketing and brand promotion activities.
- They will now be restricted to contract manufacturers and importers for the government.
- Presently, in case of any bag or batch of fertilizers not meeting the required standards, the blame is placed on the company.
- But now, this responsibility can be completely given to the government.

Historical Background?

- It has been said in this plan that private and public sector companies will have to name their products as India and the bag will also have the logo of the Prime Minister's Indian Fertilizer Project (Pradhanmantri Bhartiya Janurvarak Pariyojna - PMBJP).
- This new brand name and logo, along with the subsidy title, will be on two-thirds of the printable area on the bag, while one-third will be used for fertilizer companies' details and its emblem as well as other information as per regulations.
- According to the government, a single brand name will help reduce freight charges by preventing cross movement of fertilisers. It has been seen many times that a fertilizer company based in Uttar Pradesh is selling its product in Maharashtra.
- Due to which the demand of these brands increases without any reason in that area and when there is no supply then people do not like to take a different brand of fertilizer even if they are similar.
- This created brand-wise demand for fertilizers in specific areas leading to shortage of fertilizers while local manufacturers suffered. So one of the reasons behind the idea of ONOF is to stop these things.
- As we all know that the government gives huge subsidy on fertilizer products which is more than the maximum retail price, so the subsidy scheme on sacks will also be mentioned under this scheme.
- Having the same brand name of the product of all the companies will completely destroy the brand value of their product in the market, due to which the fertilizer companies are unhappy.



- Fertilizer companies use various activities to increase their reach among the farmers, in which their brand is prominently displayed, thereby promoting the brand of the company.
- But now having a brand name, companies will have to face difficulties in promoting their product.

Likely Question Asked In Preliminary Exam

Que. Which of the following districts of Madhya Pradesh does not have a fertilizer testing laboratory?

- (a) Jabalpur (b) Bhopal
(c) Bhind (d) Indore

Answer (c) Bhind

Que. What percentage of the population of India is engaged in agricultural activities?

- (a) 85% (b) 70%
(c) 55% (d) 40%

Answer (b) 70%

Que. Which one of the following statements is/are correct regarding Jhum cultivation in India?

1. It is practiced in most of the north-eastern states of India.
2. This is referred to as the 'shearing combustion' technique.
3. In this, the fertility of the soil is lost in a few years.

Select the correct answer using the code given below:

- (a) 2 and 3 only (b) 1 and 2 only
(c) 1 and 3 only (d) 1, 2 and 3

Answer (d) 1, 2 and 3

