

Bail Reform

The story so far:

- On July 11, a division bench of the Supreme Court of India in Satender Kumar Antil vs CBI laid down fresh guidelines on arrests in order to have strict compliance with the provisions of Section 41 and 41A of the Code of Criminal Procedure, 1973.
- These guidelines are in addition to the earlier ones which the apex court had already laid down in the case of Arnesh Kumar vs State of Bihar (2014).
- The Court in the present case has also emphasized upon separate legislation on the law relating to bail and has also issued specific directions in this regard.
- On July 16, even the Chief Justice of India (CJI) cautioned against “hasty and indiscriminate arrests”

How is a person arrested?

- Arrest in its simplest form is defined as, “when one is taken and restrained from his liberty”.
- The police have wide powers to arrest under the Code of Criminal Procedure, 1973. In the Joginder Kumar (1994) verdict, the Court had stated that “arrest and detention in police lock-up of a person can cause

incalculable harm to the reputation and self-esteem of a person”.

- Further, in the case of Arnesh Kumar, the apex Court had rightly observed that “arrest brings humiliation, curtails freedom and cast scars forever
- With regard to the Satender Kumar Antil case, the Court has issued specific directions and has also called for a compliance report.
- The Court said that the investigating agencies and their officers are duty-bound to comply with the mandate of Section 41 and 41A and the directions issued in the Arnesh Kumar case

What are Sections 41 and 41A of the Code of Criminal Procedure?

- Section 41 of the Code provides for the circumstances in which an arrest can be made by the police without a warrant and mandates for reasons to be recorded in writing for every arrest and non-arrest.
- Section 41A of the Code provides for the requirement of a notice to be sent by the investigating agencies before making an arrest in certain conditions prescribed by the Code.
- The Court stated that any dereliction on the part of the agencies has to be brought to the notice of the higher

authorities by the court followed by appropriate action.

- The Bench further said that the courts will have to satisfy themselves on the compliance of Section 41 and 41A.
- Any non-compliance would entitle the accused for a grant of bail.

What are the guidelines with respect to bail?

- Regarding bail, the Court has made a specific observation in the form of an obiter that the Government of India may consider the introduction of a separate enactment, in the nature of a Bail Act, so as to streamline the grant of bails.
- As part of the new guidelines, it is clearly stated that there need not be any insistence on a bail application while considering the application under Sections 88, 170, 204 and 209 of the Code.
- The Court said that “there needs to be a strict compliance of the mandate laid down in the judgment of this court in Siddhartha” (Siddharth vs State of U.P., 2021).
- It is a clear direction of the Court that bail applications ought to be disposed of within a period of two weeks except if the provisions mandate otherwise the exception being an intervening application.

- The Court also said that “applications for anticipatory bail are expected to be disposed of within a period of six weeks with the exception of any intervening application”

What about under trial prisoners?

- The High Courts have been directed by the apex court to identify under trial prisoners who cannot comply with bail conditions.
- After doing so, appropriate action will have to be taken in the light of Section 440 of the Code, facilitating their release.
- Under Section 440, the amount of bond shall not be excessive, and high courts and sessions courts may reduce the amount prescribed by the magistrate or a police officer.
- An exercise will have to be done similarly to comply with the mandate of Section 436A of the Code, under which a person imprisoned during investigation or trial shall be released on bail on completion of half of the jail term prescribed for that offense.

THE HINDU

Space technology development

The story so far:

- Principal Scientific Adviser Ajay Kumar Sood stated earlier this month that the government would soon come up with a new space policy that could initiate the rise of India's own "SpaceX-like ventures".
- Mr. Sood stated that the proposed move would increase private sector participation in the industry.
- Consultations have already been held and the final version of the policy would soon be referred to the Empowered Technology Group for further examination.
- Additionally, they can also serve as real-time monitoring and early-warning solutions against natural disasters such as earthquakes, tsunamis, floods, wildfires, mining etc.
- Real-time tracking can also serve multiple purposes in defence.
- As for connectivity, satellite communication can reach more remote areas where conventional networks would require a heavy complimenting infrastructure.
- Satellite communication can help connect 49% of the world's unconnected population.

Why is development in the space sector important?

- Enhancing space technology would be beneficial to bolster connectivity and combat climate-related implications through a more secure and effective means.
- Satellites provide more accurate information on weather forecasts and assess (and record) long-term trends in the climate and habitability of a region.
- For example, by monitoring the long-term impact of climate change at regional, territorial, and national scales, governments would be able to devise more pragmatic and combative plans of action for farmers and dependent industries.
- In this light, it must be noted that satellite communications, which are used to facilitate telecommunication services, are among the major categories for investment in the space technology sector.

Where does India stand in the global space market?

- As per SpaceTech Analytics, India is the sixth-largest player in the industry internationally having 3.6% of the world's space-tech companies (as of 2021). The U.S. holds the leader's spot housing 56.4% of all companies in the space-tech ecosystem.

- Other major players include U.K. (6.5%), Canada (5.3%), China (4.7%) and Germany (4.1%).
- The Indian Space Industry was valued at \$7 billion in 2019 and aspires to grow to \$50 billion by 2024.
- The country's standout feature is its cost-effectiveness.
- India holds the distinction of being the first country to have reached the Mars' orbit in its first attempt and at \$75 million way cheaper than Western standards.
- Most companies in the sector, globally, are involved in manufacture of spacecraft equipment and satellite communications.
- India's total budgetary allocation for FY 2022-23 towards the Department of Space was ₹13,700 crore.

How is the private sector's involvement regulated in India?

- In June 2020, the Union government announced reforms in the space sector enabling more private players to provide end-to-end services.
- An announcement for the establishment of the Indian National Space Promotion and Authorisation Centre (IN-SPACe) was made.
- It was mandated the task of promoting, authorizing and licensing

private players to carry out space activities.

- As an oversight and regulatory body, it is responsible for devising mechanisms to offer sharing of technology, expertise, and facilities free of cost (if feasible) to promote non-government private entities (NGPEs).
- IN-SPACe's monitoring and Promotion Directorate oversees NGPE's activities as per prescribed regulations and reports back in case any corrective actions or documentation are required.
- ISRO shares its expertise in matters pertaining to quality and reliability protocols, documentations and testing procedure through IN-SPACe's 'interface mechanism'.
- Additionally, constituted in March 2019, News pace India Ltd (NSIL), is mandated to transfer the matured technologies developed by the ISRO to Indian industries.

THE HINDU

No 'net zero'

- Countries in Europe led by Germany, Austria and the Netherlands are cranking up their coal plants again.
- Coal exports to Europe are surging. Fossil fuels are making a comeback countries are rejecting the European

Union (EU)'s plan to reduce natural gas consumption by 15%.

- Dutch, Polish and other European farmers are protesting against emission cuts from agriculture. Renewables are nowhere near meeting the rising power demand in summer or winter, with record high temperatures now.
- While the current problems are being blamed on the Ukraine conflict, and more specifically Russia, they actually started when power prices began surging well before anything happened in Ukraine.
- . And in the U.S. too, prices of fuel started increasing last year, not just this year.
- This is causing inflation. Energy security is nowhere near. Fossil fuels are making a quiet comeback, since the strength of the U.S. is its oil and gas industry.
- That is why we have just witnessed a 're-calibration' of U.S. policy towards the Gulf.
- With countries of the developed world almost sure to renege on their 2030 Paris Agreement commitments, countries of the developing world must do everything to hold the countries of the developed world to their commitments and not get unwittingly drawn into their game.
- Article 4 of the Paris Agreement defines 'Global Peaking' thus: "In order to achieve the long-term temperature goal set out in Article 2, Parties aim to reach global peaking of greenhouse gas emissions as soon as possible, recognizing that peaking will take longer for developing country Parties."
- The cross-regional statement by the 10 countries says, "We believe that the word 'global peaking' is a conscious and considered insertion in the Paris Agreement text with full recognition of the fact that peaking will take longer for developing countries.
- The developed countries, given their historical emissions, will have to peak first
- Consequently, it is the logical conclusion of the Article 4 of the Paris Agreement that when we consider net zero, we should only consider 'global net zero' and not 'individual net zero' for 2050
- The statement further says, "It becomes clear that a global net zero, where developing countries take longer to reach net zero, can only be achieved if developed countries reach net zero earlier than 2050.
- Therefore, developed countries must reach net zero well before 2050 in order to achieve overall

global NetZero target by around mid-century...”

- The statement, therefore, calls on developed countries to “do a net negative” on mitigation by 2050 rather than just “net zero”, if they are serious about fighting climate change
- The “global stocktake” of the Paris Agreement will be done in 2023 to assess the world’s collective progress towards achieving the long-term goals (Article 14).
- In the current scenario, this stocktake may well provide the developed countries the right forum to shift the burden of their mitigation commitments on developing countries, knowing well that they will not be able to meet theirs by 2030.

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