



SCs Direction on Remission

For Prelims: [Remission, Pardoning Power of the President, Article 72, President, Supreme Court, Article 161, Governor, Prison Act, 1894, Kehar Singh vs. Union of India \(1989\), Code of Criminal Procedure \(CrPC\).](#)

For Mains: SC Directions on Remission, Remission Rules in India and Related Constitutional and Legal Provisions.

[Source: TH](#)

Why in News?

The **Supreme Court (SC)** issued **guidelines on remission**, directing states to **consider the premature release of prisoners under remission policies**, even **without a formal application**.

- This judgment, delivered in a *suo-motu* case initiated in **2021**, aims to **address prison overcrowding** while ensuring a **fair and non-discriminatory approach to remission**.
- **Latest SC Guidelines on Remission Policy (2025):**
 - States **must formulate a clear remission policy within 2 months**, ensuring **alignment with constitutional and judicial principles**.
 - **Remission criteria must be reasonable**, as upheld in the *Mafabhai Motibhai Sagar Case (2024)*.
 - Remission **cannot be revoked arbitrarily**, if conditions are violated, the state must **issue a notice with reasons** and **allow the convict to respond** before a final decision.

Note

- As per [National Crime Records Bureau \(NCRB\)](#) data for 2022, India's prisons have a 131.4% occupancy rate, with 75.8% undertrials.
- As per **Prison Statistics in India Report (2022)**, **premature releases** rose from **2,321 (2020) to 5,035 (2022)**.

What is Remission?

- **About:**
 - Remission refers to the **reduction of the duration of a prison sentence without altering the nature of the sentence**.
 - It allows a **convict to be released earlier than the original term** prescribed by the court, provided they **meet specific eligibility criteria**.
- **Constitutional Provisions:**
 - [Article 72](#) empowers the **President of India** to grant **pardons, reprieves, respites, or**

remissions of punishment, or to **suspend, remit, or commute the sentence of any person** convicted of an offense under Union law or in cases involving military courts.

- [Article 161](#) grants **similar powers to the Governor** for offenses under state laws.
- **Article 32 & 226:** Enable the **SC and High Courts, respectively, to intervene in remission cases through writ jurisdiction.**

▪ **Statutory Provisions:**

- **Section 473 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023** (earlier **Section 432 of the CrPC**): Grants state governments the power to remit sentences *at any time*, with or without conditions.
 - Non-compliance with conditions can lead to cancellation of remission and re-arrest without a warrant.
- **Section 475 of BNSS** (earlier **Section 433A of CrPC**): Life convicts sentenced for offenses punishable by death cannot be released before completing 14 years of imprisonment.

Key Terms

- **Pardon: Completely absolves the convict**, removing both **conviction and sentence**, along with **all associated punishments and disqualifications**.
- **Commutation:** Replaces a **punishment with a lesser one**, such as converting a death sentence to rigorous imprisonment.
- **Respite:** Grants a **reduced sentence considering special circumstances**, like physical disability or pregnancy of the convict.
- **Reprieve:** **Temporarily delays the execution of a sentence**, particularly the death penalty, **allowing time for the convict to seek pardon or commutation.**

What are the Supreme Court Rulings Related to Remission?

- In [Laxman Naskar v. Union of India \(2000\)](#), the **Supreme Court (SC)** outlined **5 factors for remission: societal impact, crime severity, risk of recidivism, prison conduct, and potential for reintegration**, ensuring a **balanced approach to justice and public safety**.
- In [Epuru Sudhakar v. State of Andhra Pradesh \(2006\)](#), the SC ruled that **judicial review of remission orders is permissible** on grounds such as **non-application of mind, mala fide intent, reliance on extraneous or irrelevant considerations**, exclusion of relevant materials, or arbitrariness.
- In the [State of Haryana vs. Mahender Singh \(2007\)](#), the SC held that while remission is not a fundamental right of a convict, the State must exercise its executive power judiciously, considering each case based on relevant factors.
- In [Sangeet & Anr. v. State of Haryana \(2013\)](#), the SC held that **remission under Section 432 CrPC requires a convict's application and cannot be granted suo-motu** by the government.
- In [Mohinder Singh v. State of Punjab \(2013\)](#), the SC reaffirmed that **courts do not have the authority to grant remission on their own**, emphasizing that **remission must be initiated through a formal request**.
- In [Union of India v. V. Sriharan \(2015\)](#), the SC upheld **life imprisonment without remission until the convict's "last breath,"** deeming it an **alternative to the death penalty**.
- The SC, in 2024 quashed the [Gujarat government's remission order](#) for the 11 convicts in the [Bilkis Bano case](#) and **set aside its 2022 judgment** that had allowed Gujarat to decide their premature release.
 - It ruled that, as per **Section 432(7) of the CrPC**, the **"appropriate government"** for remission is where the **offender is sentenced, not where the crime occurred**. This principle was reaffirmed from [V. Sriharan v. Union of India \(2015\)](#).
- In [Mafabhai Motibhai Sagar v. State of Gujarat \(2024\)](#), the SC ruled that **remission conditions must be reasonable**, ensuring they are neither arbitrarily stringent nor vague.

Read More:

- [What are the Different Types of Pardoning Power?](#)
- [What are the Issues in Granting Remission?](#)

Drishhti Mains Question:

Differentiate between pardon, commutation, remission, reprieve, and respite under Indian law. How do these executive powers contribute to the principles of justice and reform?

UPSC Civil Services Examination, Previous Year Question (PYQ)

Mains:

Q. Instances of the President's delay in commuting death sentences has come under public debate as denial of justice. Should there be a time specified for the President to accept/reject such petitions? Analyse. (2014)

White Rhinos

[Source: PhysOrg](#)

The **northern white rhino** is **functionally extinct**, with only 2 females remaining. However, **In-vitro fertilization (IVF)** advancements have raised hope, with **36 embryos ready for implantation** to help save the subspecies.

- **IVF: IVF** is a fertility treatment where an **egg is fertilized outside the body** and the **embryo is implanted into the female's uterus**.

White Rhino:

- **About:**
 - **White rhinos** are the **2nd largest land mammal** after the elephant.
 - They are also called **square-lipped rhinoceroses** due to their broad upper lip, and are **not actually white**.
- **Subspecies & IUCN Status:**
 - **Northern White Rhino** (*Ceratotherium simum cottoni*): [Critically Endangered](#)
 - **Southern White Rhino** (*Ceratotherium simum simum*): **Near Threatened**

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Northern white rhino	Southern white rhino
Smaller, weighing 1400-1600 kg (adult male)	Larger, weighing 2000-2400 kg (adult male)
Straight back	Concave back and prominent shoulder hump
Flat skull	Concave skull
No grooves between ribs	May have distinct vertical grooves between ribs
Hairier ears and tails	More body hair
Shorter front horn	Longer front horn

- **Habitat:**

- **Southern White Rhinos:** South Africa, Namibia, Zimbabwe, and Kenya.

- **Northern white Rhinos:** Now survive only in captivity in **Kenya**.

- **Social Behavior:** They are **semi-social and territorial**, with males defending their territories (mark their territory with dung) and females roaming larger areas.

- **Southern White Rhinos are more social**, forming **larger herds**, while Northern White Rhinos have smaller groups.

- **Diet:** Purely **herbivorous**, feeding on short grasses.

- **Threats: Poaching, Habitat loss, Low genetic diversity** (especially in **northern white rhinos**), and **climate change**, which alters their habitat and water sources.



RHINOCEROS

World Rhino Day - 22nd September (declared by WWF in 2010)

5 Main Species of Rhino

Species	Found in	IUCN Red List Status	Habitat
African White	Africa	NT	Long/short grass Savannah
African Black	Africa	CE	Semi-Desert Savannah
Greater one-horned	Asia	Vu (CITES - Appendix I, WPA - Schedule I)	Tropical grassland
Javan	Asia	CE	Tropical, subtropical forests
Sumatran	Asia	CE	Same as Javan

Ujung Kulon National Park (a UNESCO WHS) is home to the last remaining wild Javan rhinos on Earth

Greater One-Horned Rhino

Only species found in India (aka Indian Rhino)



CHARACTERISTICS

- Largest of the 5 species
- Identified by a single black horn and a grey-brown hide with skin folds



Threats

- Poaching for horns
- Habitat loss
- Decreasing Genetic diversity



Protected Areas (India)

- **UP**
 - ◆ Dudhwa TR
- **West Bengal**
 - ◆ Jaldapara NP
 - ◆ Gorumara NP
- **Assam**
 - ◆ Pabitora WLS
 - ◆ Orang NP
 - ◆ Kaziranga NP (max no. of Rhinos: ~2400)
 - ◆ Manas NP



Conservation Efforts (India)

- National Rhino Conservation Strategy
- Indian Rhino Vision 2020 (launched in 2005)

New Delhi Declaration on Asian Rhinos 2019

Signed by 5 rhino range nations (India, Bhutan, Nepal, Indonesia and Malaysia)



Drishti IAS

Read More: [State of the Rhino 2023](#)

Article 101(4)

[Source: IE](#)

An independent **Member of Parliament (MP)**, has approached the **High Court** over concerns regarding the potential loss of his **Lok Sabha** seat due to prolonged absence.

Article 101(4):

- **Article 101** of the Constitution of India deals with the **vacation of seats, disqualifications, and dual membership in Parliament.**
- As per **Article 101(4)** of the Constitution, if an **MP remains absent from all meetings of the House for 60 days without permission**, the **House may declare their seat vacant.**
 - However, this period excludes days when the House is **prorogued or adjourned for more than 4 consecutive days.**
 - This provision is intended to ensure that **MPs actively participate in legislative proceedings.**
- A seat is **vacated only when the House formally declares** it vacant through a vote, **not automatically.**
 - **Barjinder Singh Hamdard**, a Rajya Sabha MP, was **disqualified in 2000** under **Article 101(4)** for **sustained absence.**
- **Procedure for Seeking Leave:**
 - MPs must request leave from the **Committee on Members' Absence**, which **reviews and reports to the House.** The House then **votes on approval or rejection.**
 - Leave is granted for up to **59 days** at a time; MPs must submit a **fresh request for extended absences.**

Read More: [Major Constitutional Amendment: Part 1](#)

Unusual Rivers Around The World

[Source: PR](#)

- **Caño Cristales River, Colombia:** It is also known as the "**River of Five Colors**," as it changes its color from yellow, green, black, red, and blue between **July and November.**
 - This is due to **Rhyncholasis clavigera**, an **aquatic plant** that changes its color with sunlight and water conditions.
- **Shanay-Timpishka River, Peru:** Also known as **La Bomba**, it is the **world's largest thermal and only boiling river (with temperature 45oC to 100oC).**
 - It is heated by **deep geothermal circulation** where rainwater seeps underground, warms, and resurfaces through **faults.**
- **Hamza Aquifer (Hamza River):** A vast **underground aquifer** beneath the **Amazon River**, ~4 km deep and 6,000 km long, flowing **extremely slowly through porous rock formations.**
- **Qiantang River, China:** Known for the **Silver Dragon**, one of the **world's largest tidal bores**, where **ocean tides push upstream at 40 km/hr**, creating **large waves ideal for surfing.**
- **Daldykan River, Russia:** Turned **blood red** due to **nickel and heavy metals contamination.**
- **Onyx River, Antarctica:** The **continent's longest river (32 km)**, flowing inland toward Lake Vanda **only in summer** as meltwater from **Wright Valley glaciers.**

Read More: [Transboundary Rivers of India](#)

Perovskite LEDs (PeLEDs)

Source: [PIB](#)

India's researchers developed a method to reduce **anion migration** in [perovskite nanocrystals](#) that can enable **next-gen lighting** and improve [energy efficiency](#) as lighting consumes nearly **20% of global electricity**.

- Anion migration in perovskite nanocrystals causes **color instability** and **limits their use in lighting**.
- **Perovskite LEDs (PeLEDs)**, made from perovskite nanocrystals, **combine the advantages of Organic LEDs (OLEDs) & Quantum Dot LEDs (QLEDs)**, making them promising for **next-generation lighting**.
 - PeLEDs combine the best features of **OLEDs (flexibility, lightweight)** and **QLEDs (high color purity)** while offering **superior efficiency** and **cost-effectiveness**.

Evolution of Lighting Technologies:

- **Early Technology:** From **incandescent** and **fluorescent lamps** to [LEDs](#) (invented in the 1960s).
- **Breakthrough in 1993:** **Shuji Nakamura's** team developed high-brightness **blue LEDs**, leading to energy-efficient **white LEDs** and winning the **2014 Nobel Prize in Physics**.
- **Current Technologies:**
 - **OLEDs:** **Thin, flexible**, but costly with **shorter lifespans**.
 - **QLEDs:** Precise **color control**, durable, but **toxic** with resource scarcity concerns.
 - **Micro/Mini-LEDs:** **High brightness and stability** but expensive to produce.

Read More: [Light Emitting Diodes \(LED\)](#)

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