

### WHAT IS A CHARGESHEET?

Supreme Court recently observed that the chargesheet must contain clear and complete entries of all columns to enable the court to understand which crime has been committed by which accused and what is the material evidence available on the file.



- A chargesheet is a **final report** that is **filed by the investigating officer** or police officials under Section 173 of the Code of Criminal Procedure (CrPC) after the completion of the investigation in a cognizable or non-cognizable case.
- It **contains all the stringent records** right from the commencement of investigation procedure of lodging an FIR to the completion of investigation and the preparation of final report.
- Once the charge sheet has been submitted to a court of law, **prosecution proceedings** against the accused **begin**.
- This report by the investigating officer **should be in the form prescribed by the state government**. A chargesheet must contain the following information as per Section 173(2)(i) of the CrPC:
  - The **names** of the parties.
  - **Nature of the information**.
  - **Names of the persons** who appear to be **acquainted with the events**.
  - **About the offence** that appears to have been committed and the person by whom it has been committed.
  - **Information regarding the arrest of the accused**, his/**their release** with or without sureties, and whether he has been forwarded into custody under Section 170.
- **Benefits of a chargesheet:**
  - It contains the statements of the accused and all other witnesses.
  - Marks the beginning of a criminal trial.

- Charges on which courts have to proceed against the accused are mentioned.
- It is useful for the accused in obtaining bail as the offences are mentioned clearly.
- **Time limit for filing a Charge Sheet:**
  - It is to be filed within 60 days from the date of arrest of the accused in cases triable by lower courts and 90 days in cases triable by Court of Sessions.
  - If the charge sheet is not filed within the prescribed time mentioned above, the accused has a right to default bail.
- **Is filing a chargesheet compulsory?**
  - Filing of a chargesheet in case a cognizable offence is said to be committed by the accused is mandatory on the part of police officials, either by themselves or on the orders of the court, after filing an FIR.
  - However, the same is not compulsory in cases where a non-cognizable offence has been committed unless the court orders an investigation.

## What is a Cognizable Offence?

- The Cr.P.C. classifies all the crimes into two categories: (i) Cognizable and (ii) Noncognizable.
- A **Cognizable offence** or case is defined as one which **an officer in-charge** of a police station may **investigate without the order of a magistrate** and effect **arrest without a warrant**.
- **Non-Cognizable crimes** are defined as those which **cannot be investigated** by police **without the order of a competent magistrate**.

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## WHAT ARE STANDARD ESSENTIAL PATENTS (SEP)?

There is a concern over the manner in which certain technology companies are wielding 'standard essential patents' (SEP) against the telecom manufacturing sector in India.



- It is a patent **granted for a technological invention** which is

essential for the implementation and working of a standard.

- **What is a Standard?**
  - A ‘standard’ is a **set of technical requirements** or agreed technical descriptions which cover ideas, products, or services and make sure that technologies interact and work together.
  - Standards can be **adopted worldwide, regionally** or even nationally.
  - It is usually in the interest of industrial players to create products that comply with standards.
  - One **example** of a widely used standard is the **A4 size for sheets of paper**.
- **Patents which are essential to a standard** and have been **adopted by a Standard Setting Organization (SSO)** are **known as SEPs**.
  - SSOs are either **governmental, quasi governmental, or a private** group of independently governed industry associations.
  - SSOs **set, develop, coordinate, interpret and maintain standards**.
- Industry participants can collaborate on a single technical solution because of such standards.
- **When a patent is** acknowledged by the SSO and **designated as a SEP**, manufacturers can only produce their goods in the market after first acquiring a license under the SEP.
- From an antitrust standpoint, the **lack of any competing technology grants the SEP holder a monopolistic right** over the SEP.
- Consequently, it is impossible to produce products that comply with standards without using technologies that are covered by one or more SEPs.
- SEPs are common in the mobile telephony and telecommunications industry, a sector which is highly standardised due mainly to the need for interoperability between mobile devices.

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## WHAT IS HIGH MOBILITY ARTILLERY ROCKET SYSTEMS (HIMARS)?

Russia's government recently published new footage claiming to show the targeting of two Ukrainian High Mobility Artillery Rocket Systems (HIMARS).



**High Mobility Artillery Rocket Systems (HIMARS)** is a **light, multiple rocket launcher**. It is manufactured by **Lockheed Martin Corporation**, a US-based security and aerospace company.

- It is intended to engage and defeat artillery, air defence concentrations, trucks, light armour, and personnel carriers, as well as support troop and supply concentrations.
  - **Features:**
    - It is an air-transportable wheeled launcher mounted on a 5-ton Family of **Medium Tactical Vehicles (FMTV)**.
    - It can carry either a launcher pod of six rockets or one **MGM-140 Army Tactical Missile System (ATACMS)**, which have a range of 300 km (186 miles).
    - It requires **less than 20 seconds to be prepared for firing**, and a full launcher load of six rockets can be fired within 45 seconds.
    - The **system launches** its weapons and moves away from the area at high speed before enemy forces locate the launch site.
    - It is equipped with the **Increased Crew Protection cabin**, which is designed to protect the three-man operating crew against plume gases, rocket launch debris, and small arms.
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## ARTICLE 361 - IMMUNITY SHIELD UNTIL GOVERNOR IN OFFICE

- Article 361 of Constitution deals with immunity to President and the Governors.
- It states that they shall not be answerable:
  - to any court for the exercise and performance of the powers and duties of his office; or
  - for any act done or purporting to be done by him in the exercise and performance of those powers and duties.
- **Two crucial sub-clauses**
  - Article 361 also has two crucial sub-clauses:

- that no criminal proceedings whatsoever shall be initiated or continued against the President, or the Governor of a State, in any court during the term of his office.
  - No process for the arrest or imprisonment of the President, or the Governor of a State, shall issue from any court during his term of office.
  - **Article 361 – summary**
    - Article 361 grants the Governor of a State immunity from legal liability for their official acts and personal acts during their term of office.
    - This means that the Governor cannot be held accountable to any court for their official duties, and no criminal proceedings can be initiated against them.
    - However, civil proceedings can be brought against them for their personal acts after two months' notice.
    - The Governor also cannot be arrested or imprisoned while in office.
    - Additionally, if Governor commits any criminal offense during their term of office, they can be prosecuted once their term ends.
      - This ensures that they are not above the law and can be held responsible for any unlawful actions.
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## FIVE EYES INTELLIGENCE-SHARING NETWORK

Recently, 4 countries on 3 continents, which are part of the Five Eyes intelligence-sharing network has been, accused India for running espionage operations.



### About Five Eyes Intelligence-sharing Network:

- It is a **multilateral intelligence-sharing network** shared by over 20 different agencies of five English-speaking countries — **Australia, Canada, New Zealand, the United Kingdom and the United States.**
- It is both surveillance-based and signals intelligence (SIGINT). Its genesis lies in the post-war 1946 **UKUSA Agreement**, intended as a cooperative arrangement for sharing signals intelligence (SIGINT).

- Intelligence documents shared between the members countries are classified as ‘**Secret—AUS/CAN/NZ/UK/US Eyes Only,**’ which gave the group its title ‘Five Eyes’.
  - Its scope was limited to “communication intelligence matters only” related to “unrestricted” exchange of **intelligence products in six areas:**
    - Collection of traffic; acquisition of communication documents and equipment; traffic analysis; cryptanalysis; decryption and translation; and acquisition of information regarding communication organisations, practices, procedures, and equipment.
  - The arrangement was later extended to ‘**second party**’ countries —**Canada** joined in 1948, while **Australia** and **New Zealand** became part of the alliance in 1956.
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## WHY ARE INDIAN SPICES FACING THE HEAT?

### **Background:**

- More than five countries — including Singapore, Hong Kong and the U.S. — have announced an investigation into possible contamination of spice mixes sold by top Indian brands, **MDH** and **Everest**.
- The complaints cite the presence of **ethylene oxide**, a toxic chemical used as a food stabilizer, beyond permissible limits.
- The Spices Board of India in response has initiated mandatory testing of products shipped abroad and is reportedly working with exporters to identify the root cause of contamination.
- The international scrutiny has also stirred a demand for the Food Safety and Standards Authority of India (FSSAI) to ensure stringent quality checks on spices and curry powders sold in domestic markets.
- The incident isn’t isolated. Controversies have engulfed protein drinks, fruit juices, health drinks and imported Nestle baby products, drawing attention to regulatory lapses and heightening health concerns.

- The spice mixes flagged in question are manufactured by Everest and MDH, major players in India's spice export industry.
- The top three importers of India's curry powders and mixtures, in the fiscal year 2022-23, include the U.S. (₹196.2 crore), U.A.E (₹170.6 crore) and U.K. (₹124.9 crore); followed by Saudi Arabia, Australia, Bangladesh, Oman, Canada, Qatar and Nigeria.

## What Are the Health Concerns?

- **Use of ethylene oxide (ETO)**
  - MDH and Everest's spice mixes allegedly contain high levels of a prohibited pesticide called **ethylene oxide (ETO)**.
  - ETO is a colorless, flammable, and in many ways, a remarkable gas that was originally intended for sterilizing medical devices.
  - It is used as a chemical in industrial settings, agriculture, and as a sterilizing agent in food products, including spices, dried vegetables and other commodities.
  - The chemical lends life to the spice industry: it **reduces microbial contamination, and in turn, extends products' shelf life and makes their storage safe.**
- **ETO and its carcinogenic nature**
  - The improper and excessive use of ETO may leave behind residues, causing toxic and even carcinogenic compounds to form, thus contaminating the product.
  - One such compound is **ethylene glycol**, an ingredient found in Indian-made cough syrups which were linked to the deaths of more than 300 children in Cameroon, Gambia, Indonesia and Uzbekistan.
  - Long-term exposure to ethylene oxide is associated with cancers including lymphoma and leukemia, some evidence shows.
- **Possible reasons behind the finding of ETO traces**
  - Possible reasons for ETO traces found in excess included the use of non-approved pesticides and processing techniques aimed to reduce microbiological contamination.

- They were found to lead to not approved residues unsanitary processing techniques (e.g. ethylene oxide in guar gum and curry powder from India).
- **MDH's Response:**
  - MDH has called allegations over ETO contamination baseless and unsubstantiated.
  - It added that neither the Spices Board nor the FSSAI have received communication or test reports from Singapore or Hong Kong authorities.

## How Has India Responded?

- **Steps taken by Spices Board**
  - The Spices Board, tasked with developing, promoting and regulating the export of spices and spice products, operates under the Ministry of Commerce and Industry.
  - It has announced a slew of corrective measures:
    - Initiating mandatory testing of consignments shipped to Singapore and Hong Kong and gathering technical details and analytical reports from the relevant food and drug agencies.
    - Also reportedly working with exporters whose consignments have been recalled getting to the root of the issue and “propose corrective measures”.
  - It also issued circular containing guidelines to exporters on preventing ETO contamination.
  - It also plans to carry out a nationwide surveillance in 2024-25 for fruit and vegetables, salmonella in fish products, spice and culinary herbs, fortified rice and milk and milk products.

## DIPLOMATIC PASSPORT



Holders of such passports are entitled to certain **privileges and immunities** as per the international law, including immunity from arrest, detention and certain legal proceedings in the host country. It has maroon cover and valid for **five years or less**.



- **Issuing Authority:** The Ministry of External Affairs (MEA) **Consular, Passport & Visa Division** issues diplomatic passports ('Type D' passports) to people falling in broadly five categories:
  - those with diplomatic status;
  - government-appointed individuals travelling abroad for official business;
  - officers working under the branches **A and B of the Indian Foreign Service (IFS)**, normally at the rank of Joint Secretary and above; and
  - Relatives and immediate family of officers employed in IFS and MEA.
  - select individuals who are authorized to undertake **official travel on behalf of the government**".
- The MEA issues visa notes to government officials going abroad for an official assignment or visit.
- **Revocation of Passport:**
  - As per the **Passport Act 1967**, the passport authority may cancel a passport or travel document, with the **previous approval of the Central government**.
  - The passport authority can impound or revoke a passport if the authority believes that the passport holder or travel document is in **wrongful possession**.
  - A diplomatic passport can be revoked upon **orders from a court** during proceedings with respect to an offence allegedly carried out by the passport holder before a criminal court.

## What is Operational Visa exemption Agreement?

- India has **operational visa exemption agreements** for holders of diplomatic passports with **34 countries** and Germany is one amongst them.
- According to a reciprocal deal signed in 2011, holders of Indian diplomatic passports **do not require a visa** to visit Germany, provided their stay **does not exceed 90 days**.
- India has similar agreements with countries such as France, Austria, Afghanistan, Czech Republic, Italy, Greece, Iran and Switzerland.