

A questionable refusal: On the rejection of Bilkis Bano's review plea

The Supreme Court of India should have reviewed its order **letting** Gujarat decide on **remission** for Bilkis case **convicts**

It is a matter of concern that the Supreme Court has declined to review its May 2022 order **holding** that the Gujarat government is the “appropriate government” to decide on the **premature** release of 11 convicts serving life **terms** in the Bilkis Bano gang-rape case, which also involved the **gruesome** murder of several others. A court's **jurisdiction** to review its own order **is limited** to correcting any error **apparent on the face of** the record. It is also a **discretionary remedy** and generally not heard **in open court**. However, it appears that the two-Judge Bench has failed to **address** a significant error in its finding that the **decision** on remission **should** be made by the Gujarat government. The **case**, which arose from one of the many **heinous** crimes that **took place** during the 2002 anti-Muslim **pogrom** in Gujarat, **had** been transferred for trial to Mumbai by the Court. The **appeal** arising from it **was** heard by the Bombay High Court. Section 432(7) of the Code of Criminal Procedure (CrPC) says the “appropriate government” is “the Government of the State within which the **offender** is **sentenced**”. Despite this clear **provision**, the **Bench** had **taken the view** that as the offence had taken place in Gujarat, and the trial in Mumbai, further matters had returned to the jurisdiction of Gujarat on conclusion of trial. It had also noted that the **transfer** of the trial to another State **had** taken place under “extraordinary circumstances”.

The Bench's view was quite **peculiar** because it **goes against** a **statutory** provision. Also, the transfer took place only because a fair trial was not possible in Gujarat. It **stands to reason** that the Gujarat government **ought to** have been **divested** of the power to consider remission in the same case. Another **aspect** of the earlier order **was** that it had specified that the remission should be considered under its 1992 policy, as it was the one in force on the day of their **conviction**. Accordingly, in the absence of any specific **curbs** in that policy on the power to **remit** the **sentences** of those involved in **heinous** crimes, the convicts were released. The **Centre**, it was later revealed, **had** also **concurred** with the decision. Fortunately, the **refusal** to review the earlier order **will** not affect the outcome of a separate **petition** challenging their release. There seem to be enough **grounds** to question the remission. Court filings suggest that the trial judge's **opinion** against their release **was disregarded**. Further, the **presence** of political **functionaries**, including BJP MLAs, on a committee that recommended their release, **may** have also **vitiating** the decision. The Supreme Court may still have an opportunity to **examine** the **legitimacy** of allowing the premature release of those directly involved in **communally motivated** crimes.

[Practice Exercise]

- Red/blue coloring of words in the sentence indicates subject verb relationship; where 'red' denotes 'subject' and 'blue' denotes 'verb'.

Vocabulary

1. **Questionable** (adjective) – controversial, contentious, open to question संदिग्ध
2. **Refusal** (noun) – denial, rejection, rebuff, repudiation, negation इनकार
3. **Review** (noun) – Analysis, evaluation, assessment समीक्षा
4. **Plea** (noun) – appeal, entreaty, petition, supplication, request याचिका
5. **Let** (verb) – allow, permit, give permission to आज्ञा देना
6. **Remission** (noun) – The reduction of a prison sentence, especially as a reward for good behavior. माफी, क्षमा
7. **Convict** (noun) – declaration of guilt, pronouncement of guilt, sentence दोषसिद्धि
8. **Hold** (verb) – to decide legally.
9. **Premature** (adjective) – untimely, early, too soon, too early, before time समय से पहले
10. **Life Term** (noun) – life imprisonment आजीवन कारावास
11. **Gruesome** (adjective) – extremely unpleasant. भयानक
12. **Jurisdiction** (noun) – authority, control, power, dominion, rule, administration क्षेत्राधिकार
13. **Limited** (adjective) – restricted, finite, bounded सीमित
14. **Apparent** (adjective) – obvious, evident, clear, manifest, plain स्पष्ट
15. **On the face of** (phrase) – apparently, seemingly, evidently, outwardly, it seems प्रत्यक्ष रूप से
16. **Discretionary** (adjective) – optional, non-compulsory, voluntary, non-mandatory विवेकाधीन
17. **Remedy** (noun) – solution, answer, cure, antidote, corrective उपाय/समाधान
18. **In open court** (phrase) – in a court of law, before the judge and the public.
19. **Address** (verb) – tackle, see to, deal with, confront, grapple with सुलझाना, निपटाना
20. **Heinous** (adjective) – odious, wicked, evil, atrocious, monstrous, disgraceful, जघन्य
21. **Take place** (phrase) – happen, occur, come about, transpire, come to pass घटित होना

22. **Pogrom** (noun) – massacre, slaughter, mass murder, mass homicide, mass execution हत्याकांड
23. **Offender** (noun) – wrongdoer, criminal, lawbreaker, malefactor, felon अपराधी
24. **Sentence** (verb) – pronounce sentence on, mete out punishment to, punish, convict अपराधी को सज़ा सुनाना
25. **Provision** (noun) – A stipulated condition प्रावधान
26. **Bench** (noun) – The judge or judges composing a court. न्यायपीठ
27. **Take the view** (phrase) – to have an opinion (about something) : to believe. (उनका) मानना है कि
28. **Peculiar** (adjective) – strange, unusual, bizarre, weird, queer अजीबोगरीब
29. **Go against** (phrase) – be contrary to खिलाफ जाना
30. **Statutory** (adjective) – Constitutional, legal, legislative सांविधिक
31. **Stands to reason** (phrase) – it is obvious or logical. तार्किक होना
32. **Ought to** (modal verb) – should, must करना चाहिए
33. **Divest** (verb) – deprive someone of (power, rights, or possessions). ले लेना, छीनना (शक्ति, अधिकार)
34. **Aspect** (noun) – A distinct feature or element पहलू
35. **Conviction** (noun) – declaration of guilt, pronouncement of guilt, sentence दोषसिद्धि
36. **Curb** (noun) – Restriction, limit, control, check रोक, प्रतिबंध
37. **Remit** (verb) – cancel, set aside, revoke, repeal; pardon, forgive छोड़ना, छूट देना
38. **Sentence** (noun) – Judgement, ruling; punishment सज़ा, दंड
39. **Heinous** (adjective) – odious, wicked, evil, atrocious, monstrous, disgraceful, जघन्य
40. **Concur** (verb) – agree, be in agreement, be in accord, be in accordance सहमत होना
41. **Petition** (noun) – appeal, request, application, याचिका
42. **Ground** (noun) – reason, cause, basis, base, foundation, justification, आधार
43. **Disregard** (verb) – ignore, take no notice of, take no account of, pay no attention to उपेक्षा करना, ध्यान न देना

44. **Functionary** (noun) – official, bureaucrat, officer, public servant, officeholder अधिकारी
45. **Vitiate** (verb) – Destroy or impair the legal validity of. बिगाड़ना, निष्फल करना
46. **Examine** (verb) – Inspect, Scrutinize, Observe, Study, Survey, Scan जांच करना
47. **Legitimacy** (noun) – validity, justification, soundness, well-foundedness वैधता
48. **Communally** (adverb) – together with other people rather than on your own सामुदायिक रूप से
49. **Motivated** (adjective) – Influenced से प्रेरित

Practice Exercise

Direction (Q1 – Q3): Select the best express synonym of the given words [Editorial page]

- The Supreme Court of India should have reviewed its order letting Gujarat decide on remission for Bilkis case convicts
 - Apocryphal
 - Sanguine
 - Ostensible
 - Abrogation
- It is also a discretionary remedy and generally not heard in open court.
 - Inveterate
 - Optional
 - Virulent
 - Malingering
- The Bench's view was quite peculiar because it goes against a statutory provision.
 - Gesticulate
 - Scrutinize
 - Odd
 - Ineffable

4. **Idioms & Phrase**

Because I came home late, my sister bore the brunt of our mother's frustration about her job.

- To successfully be brought into existence or to completion.
 - To suffer most as a result of a problem or difficult situation
 - To urge for something to be done; to request something
 - To navigate or find one's way to or toward something
5. **Direction: Two statements are given below, which are jumbled in any random order. These statements will form a coherent and meaningful paragraph, when arranged in the correct sequence. Arrange the sentences in the right order and answer the questions that follow.**
- pose a unique challenge to regulators with their issuance as well as the transactions taking place beyond traditional channels involving banks(A)/, Crypto assets, including private crypto currencies and non-fungible tokens,(B)/ other financial intermediaries or central banks.(C)
 - platforms located in other countries and transfer funds easily across borders,(D)/ ability to tax these transactions and to halt(E)/ With users able to transact on (F)/ the misuse of these channels for illicit purposes also becomes difficult through unilateral action.(G)
- ABC, EFDG
 - DGFE, ABC
 - BAC, FDEG
 - FDGF, CBA
 - None of the above

Direction (Q6 – Q7): Read the given sentences to find out whether there is any grammatical error in them

6. If I am (A)/ in your position, (B)/ I would not have agreed to that. (C)/ No Error. (D)
7. It needed (A)/ several porters (B)/ to carry all his luggage(C)/ No Error (D)
8. I request you (A)/ to permit me (B)/ to avoid the opportunity (C)/ No Error(D)
9. Ravi told him that the Principal (A)/ insisted (B)/ to meet his son (C)/ No Error(D)
10. **Find out the misspelt word**
 - A. Diligence
 - B. Sucoour
 - C. Indulging
 - D. Unilateral

Direction: Read the passage given below and answer the following questions.

(The Hindu Editorial: Regulating Big Tech – Oct 27, 2022)

In its orders, the CCI has accused the company of adopting “discriminatory practices” and indulging in “anti-competitive” behaviour. **(1)**/ On Tuesday, the Commission levied another penalty of Rs 936.44 crore on the firm for misusing its position vis a vis its Play Store policies. **(2)**/ Last week the Competition Commission of India imposed a penalty of Rs 1,337.76 crore on Google for “abusing its dominant position” in the Android mobile device ecosystem. **(3)**/ The orders also lay out a set of corrective measures with regards to the Play Store policies and the Android ecosystem. This has far-reaching implications for the larger digital ecosystem in the country. **(4)**/The CCI’s orders detail how Google was able to exploit the licensing of the Android operating system to its advantage. The company ventured into agreements such as the mobile application distribution agreement (MADA), **(a)** ensured that the “most prominent search entry points”, such as the search app and the chrome browser, are pre-installed on Android devices. This “accorded significant competitive edge to Google’s search services over its competitors”, the CCI has said. Such arrangements also allowed the company to gain advantage **(b)** its competitors in adjacent markets — for instance, YouTube. The CCI also said that Play Store policies mandated the exclusive use of Google Play’s billing system by app developers for both receiving payments and in-app purchases. It pointed **(c)** that the UPI platform was placed at a disadvantage, with technological preference being given to Google Pay. The company has informed the Commission that it had recently changed its policies that placed UPI at a disadvantage.

India is not the only country where global tech giants have been caught in the regulatory **(d)**. Last year, in August, South Korea mandated choice in app store payments, effectively barring firms like Google and Apple from **compelling** app developers to use only their payment systems. In India, the onus is on the Competition Commission to be vigilant against firms gaining unfair advantage by abusing their dominant market position. It must examine instances of discriminatory and anti-competitive practices of incumbents erecting high entry barriers to limit competition, and whether market dominance in one area translates into an unfair advantage in adjacent markets. It must ensure a level playing field. However, even while ensuring a competitive **landscape (A)**, and **nudging(B)** Big Tech to play by the rules of the land, considering the nature and characteristics of such digital markets, and the **presence(C)** of network effects, the Commission must ensure that each instance of **alleged(D)** dominance is examined independently. While it must

implement its mandate, the CCI must be careful that its actions do not impede innovation. It must protect competition, not any competitor.

Fill in the blanks with the most appropriate combinations of words

11. The company ventured into agreements such as the mobile application distribution agreement (MADA), _____(a)_____ ensured that the “most prominent search entry points”, such as the search app and the chrome browser, are pre-installed on Android devices.

Fill the most appropriate option in (a)

- (i) **Who**
- (ii) **Which**
- (iii) **They**
- (iv) **However**
- (v) **But**

- A. Only (i) B. Only (ii) C. Only (v) D. Both (ii) and (iv) E. None of the above

12. This “accorded significant competitive edge to Google’s search services over its competitors”, the CCI has said. Such arrangements also allowed the company to gain advantage _____(b)_____ its competitors in adjacent markets — for instance, YouTube.

Fill the most appropriate option in (b)

- (i) Across
- (ii) In
- (iii) By
- (iv) For
- (v) Ahead
- (vi) Over

- A. Only (i) B. Only (iii) C. Only (vi) D. Both (vi) and (iv) E. None of the above

13. It pointed _____(c)_____ that the UPI platform was placed at a disadvantage, with technological preference being given to Google Pay.

Fill the most appropriate option in (c)

- (i) In
- (ii) Out
- (iii) At
- (iv) To

- A. Only (i) B. Only (ii) C. Only (iii) D. Both (i) and (ii) E. None of the above

14. India is not the only country where global tech giants have been caught in the regulatory _____(d)_____.

Fill the most appropriate option in (d)

- (i) Edge
- (ii) Dilemma
- (iii) Glare
- (iv) Margin

- A. Only (i) B. Only (ii) C. Only (iii) D. Both (i) and (ii) E. None of the above

15. **The following sentence may or may not contain an error in one of its parts. Identify the part containing the error. If the sentence is correct, select 'No error' as your answers.**

It must examine instances (A)/ of discriminatory and anti-competitive practices of incumbents (B)/ erecting high entry barriers to limit competition, (C)/ and whether market dominance in one area translates into an unfair advantage in adjacent markets.(D)

- A. (A)
B. (B)
C. (C)
D. (D)
E. No Error

16. **Rearrange the sentence to form a meaningful sentence.**

In its orders, the CCI has accused the company of adopting “discriminatory practices” and indulging in “anti-competitive” behaviour. **(1)/** On Tuesday, the Commission levied another penalty of Rs 936.44 crore on the firm for misusing its position vis a vis its Play Store policies. **(2)/** Last week the Competition Commission of India imposed a penalty of Rs 1,337.76 crore on Google for “abusing its dominant position” in the Android mobile device ecosystem. **(3)/** The orders also lay out a set of corrective measures with regards to the Play Store policies and the Android ecosystem. This has far-reaching implications for the larger digital ecosystem in the country. **(4)/**

- A. 2341
B. 1234
C. 2134
D. 3214
E. 4321

17. Given below is a word, followed by three sentence that consist of that word. Identify the sentence (S) that best express (es) the meaning of the word. Choose option 5 'None of the above' if the word is not suitable in any of the sentence

COMPEL

- (i) There is a tension between the phrase and every translation **compelled** to resolve it.
(ii) New technology has **compelled** my old computer obsolete.
(iii) In some cases a patentee can be **compelled** to grant a licence to use his patent on reasonable terms.

- A. Only (i)
B. Only (ii)
C. Only (iii)
D. (i), (iii)
E. (ii), (iii)

18. **In the following question, a sentence is given with four words marked as (A), (B), (C), and (D). These words may or may not be placed in the correct order. Four options with different**

arrangements of these have been provided. Mark the option with the correct arrangement as the answer. If no rearrangement is required, mark option (5) as your answer.

However, even while ensuring a competitive **landscape (A)**, and **nudging(B)** Big Tech to play by the rules of the land, considering the nature and characteristics of such digital markets, and the **presence(C)** of network effects, the Commission must ensure that each instance of **alleged(D)** dominance is examined independently.

- A. A – D
- B. B – A
- C. D – B
- D. A – C
- E. No arrangement

19. In the following question, two statements and five connectors are given. Only one of the connectors from those given can be used to combine the given two statements into one sentence without changing the meaning. Choose that connector as your answer.

- (i) India is a country of different languages and every language has its own importance
- (ii) it is very important to have a language of the whole country which should become the identity of India global

- A. Like
- B. Though
- C. Yet
- D. But
- E. None of these

20. Fill the appropriate preposition in the given blanks

Terrorist are menace _____ the security of the country.

- A. Of
- B. In
- C. With
- D. To

Answers

1. D 2. B 3. C 4. B 5. C 6.A 7. A 8. D 9.C 10. B 11.B
 12. C 13.B 14. C 15. E 16. D 17.D 18. E 19.D 20.D

[Practice Exercise]

Explanations

- Remission** (noun) – The reduction of a prison sentence, especially as a reward for good behavior. माफी, क्षमा
 - Apocryphal** (noun) – Of dubious authenticity; fictitious spurious शंकायुक्त, झूठा, असत्य
 - Sanguine** (adjective) – Cheerful; optimistic; hopeful आशावादी
 - Ostensible** (adjective) – Apparent; professed दृश्यमान
- Discretionary** (adjective) – optional, non-compulsory, voluntary, non-mandatory विवेकाधीन
 - Inveterate** (adjective) – Habitual; firm in habit; deeply rooted. कट्टर, आदत में दृढ़
 - Virulent** (adjective) –Extremely poisonous; malignant; full of hate विषैला
 - Malingering** (verb) – To pretend to be sick to avoid doing work रोग का बहाना करना
- Peculiar** (adjective) – strange, unusual, bizarre, weird, queer अजीबोगरीब
 - Gesticulate** (verb) – To make gestures, especially when speaking or in place of speaking इशारा करना
 - Scrutinize** (verb) – To examine very carefully जाँचना
 - Ineffable** (adjective) –Incapable of being expressed or describe व्यक्त करने में असमर्थ
- Bear the brunt of** (Phrase) – to suffer most as a result of a problem or difficult situation खामियाजा भुगतना
- BAC, FDEG**
 Crypto assets, including private crypto currencies and non-fungible tokens, pose a unique challenge to regulators with their issuance as well as the transactions taking place beyond traditional channels involving banks, other financial intermediaries or central banks. With users able to transact on platforms located in other countries and transfer funds easily across borders, ability to tax these transactions and to halt the misuse of these channels for illicit purposes also becomes difficult through unilateral action.
- (A) 'If I am' के बदले 'If were' का प्रयोग होगा क्योंकि present के unreal situation को व्यक्त करने के लिए Conditional Clause में यदि 'if' का प्रयोग हो और Verb 'Be' हो तो 'Be' का केवल 'were' रूप प्रयोग में आता है चाहे Subject किसी भी Number या Person का क्यों न हो; जैसे-
 - If I were you/ he/she, I would not do that work.
 - 'If I am' will be replaced with 'If were' because 'if' is used in Conditional Clause to express unreal situation of present and 'Be' is used as Verb Only the 'were' form is used, even if the subject is of any number or person; As-
 - If I were you/ he/she, I would not do that work.

7. (A) 'It needed' के बदले 'He needed' का प्रयोग होगा क्योंकि Part (C) में प्रयुक्त 'his luggage' से पता चलता है कि वाक्य का Subject 'He' होगा।

- 'It needed' will be replaced with 'He needed' because 'his luggage' used in Part (C) shows that the subject of the sentence will be 'He'.

8. (D) no error

9. (C) 'to meet' के बदले 'on/ upon meeting' का प्रयोग होगा क्योंकि 'insist on / upon+ v4 (V + ing)' का प्रयोग होता है; जैसे-

i. They insisted on/upon being given every detail of the case.

- 'on/ upon meeting' will be used instead of 'to meet' as 'insist on / upon+ v4 (V + ing)' is used; As-

i. They insisted on/upon being given every detail of the case.

10. **Succour** (noun) – help, aid, support, assist, relief, assistance राहत, सहायता

11. **Which** used to add extra information to a previous clause, in writing usually after a comma:

12. **Get the advantage over** (someone or something) (phrase) – To acquire a favorable or superior position when compared to someone or something else. किसी और की तुलना में श्रेष्ठ स्थिति प्राप्त करना

13. **Point out** (phrasal verb) – indicate, mention, note, highlight, emphasize इशारा करना

14. **Glare** (noun) – a very angry look दृष्टि

- **Edge** (noun) – an advantage over other people अनुकूल परिस्थिति
- **Dilemma** (noun) – quandary, problem, difficulty, plight दुविधा
- **Margin** (noun) – Profit, gain

16. (D) **3214**

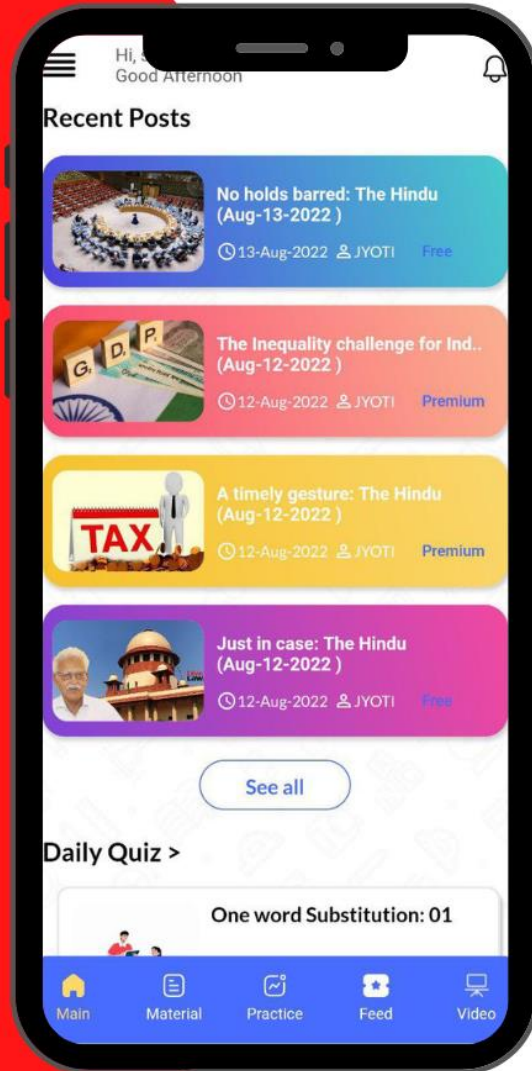
Last week the Competition Commission of India imposed a penalty of Rs 1,337.76 crore on Google for “abusing its dominant position” in the Android mobile device ecosystem. On Tuesday, the Commission levied another penalty of Rs 936.44 crore on the firm for misusing its position vis a vis its Play Store policies. In its orders, the CCI has accused the company of adopting “discriminatory practices” and indulging in “anti-competitive” behaviour. The orders also lay out a set of corrective measures with regards to the Play Store policies and the Android ecosystem. This has far-reaching implications for the larger digital ecosystem in the country.

17. **Compel** (verb) – force, induce, require, coerce, oblige विवश करना

According to the given options only (i) AND (iii) are contextually correct.

Because the (ii) sentence is not giving any meaning and correct sentences should be like
New technology has rendered my old computer obsolete.

18. It must ensure a level playing field. However, even while ensuring a competitive landscape, and nudging Big Tech to play by the rules of the land, considering the nature and characteristics of such digital markets, and the presence of network effects, the Commission must ensure that each instance of alleged dominance is examined independently.
19. India is a country of different languages and every language has its own importance **but** it is very important to have a language of the whole country which should become the identity of India global.



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