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### 1. Supreme Court limits power of ED to arrest PMLA accused

#### Summoning by special court does not mean custody

The Supreme Court gave a fillip to the right to personal liberty by holding that a person summoned by a designated special court under the Prevention of Money Laundering Act (PMLA), is presumed to be not in custody and need not apply for bail under the draconian conditions posed by the anti-money laundering law.

## Easing conditions

The major takeaways from the Supreme Court verdict on the Prevention of Money Laundering Act are:



- An accused is presumed to be not in custody if he appears in court on summons
- The court can direct the accused to furnish bonds in terms of Section 88 of the Code of Criminal Procedure
- The ED has to apply to a special court for custody, giving specific reasons

The judgment limits the power of arrest by the Directorate of Enforcement (ED) after a special court takes cognisance of a case.

#### ED needs to apply separately for custody

The Bench said the ED would have to separately apply for the custody of a person once he or she appears in court. The Central agency would have to show specific grounds that necessitated custodial interrogation.

However, the special court can direct the accused to furnish bonds in terms of Section 88 of the Code of Criminal Procedure. As per Supreme Court, a bond... is only an undertaking. An order accepting bond under Section 88 does not amount to grant of bail and hence the twin conditions of Section 45 of the PMLA are not applicable to it.

The twin conditions of bail under Section 45 of the PMLA pose stringent thresholds for an accused. One, the person has to prove in court that he or she is prima facie innocent of the offence.

Secondly, the accused should be able to convince the judge he would not commit any offence while on bail. The burden of proof is entirely on the incarcerated accused, who would be often handicapped to fight the might of the state. The twin conditions make it almost impossible for an accused to get bail in the PMLA.

### **Section 88 of Code of Criminal Procedure**

Section 88 of the Indian Code of Criminal Procedure (CrPC) allows a court to require a person present in court to execute a bond for their appearance. It notes that accused persons sometimes try to rely on this section to avoid going through the bail process.

### **Personal appearance required during first time**

The judgment further said an accused, who appears in the special court, could be exempted from personal appearance in the future. On the other hand, if an accused does not appear after a summons is served, the special court could issue a bailable warrant followed by a non-bailable one.

In its judgment, the top court said the ED would have to separately apply for custody of a person who appears in court.

### **What was question of law in the case?**

The question of law in the case was whether an accused, can apply for bail under the regular provisions of the Code of Criminal Procedure. If so, whether such a bail plea would also have to satisfy the twin conditions imposed by Section 45 of the PMLA.

The judgment was based on an appeal filed by Tarsem Lal against the ED challenging a Punjab and Haryana High Court denying him anticipatory bail.

Relevance: GS Prelims & Mains Paper II; Governance

Source: The Hindu

## **2. FSSAI Alerts Fruit Traders to Ensure Compliance with Prohibition of Calcium Carbide in Fruit Ripening**

### **FSSAI alert against use of Calcium carbide for ripening**

The Food Safety and Standards Authority of India (FSSAI) has alerted traders'/fruits handlers/Food Business Operators (FBOs) operating ripening chambers to strictly ensure compliance with the prohibition on calcium carbide for artificial ripening of fruits, particularly during the mango season. FSSAI is also advising Food Safety Departments of States /UTs to remain vigilant and take serious action and deal stringently against person(s) indulging in such unlawful practices as per the provisions of FSS Act, 2006 and Rules/Regulations made thereunder.

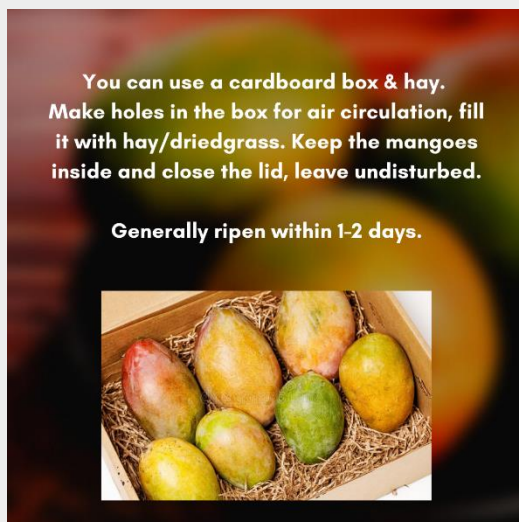
### **Why Calcium Carbide is dangerous?**

Calcium carbide, commonly used for ripening fruits like mangoes, releases acetylene gas which contains harmful traces of arsenic and phosphorus. These substances, also known as 'Masala', can cause serious health issues such as dizziness, frequent thirst, irritation, weakness, difficulty in swallowing, vomiting and skin ulcers, etc. Additionally, acetylene gas is equally hazardous to those handling it. There are chances that calcium carbide may come in direct contact with fruits during application and leave residues of arsenic and phosphorus on fruits.

Due to these dangers, the use of calcium carbide for ripening fruits has been banned under Regulation 2.3.5 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011. This regulation explicitly states, "No person shall sell or offer or expose for sale or have in his premises for the purpose of sale under any description, fruits which have been artificially ripened by use of acetylene gas, commonly known as carbide gas."

### Safer alternative

Considering the issue of rampant use of banned calcium carbide, FSSAI has permitted the use of ethylene gas as a safer alternative for fruit ripening in India. Ethylene gas can be used at



concentrations up to 100 ppm (100 µl/L), depending upon the crop, variety and maturity. Ethylene, a naturally occurring hormone in fruits, regulates the ripening process by initiating and controlling a series of chemical and biochemical activities. The treatment of unripe fruits with ethylene gas triggers the natural ripening process until the fruit itself starts producing ethylene in substantial quantities.

By wrapping mangoes, one can trap the ethylene, so the fruit will ripen naturally – just faster. Wrap the unripe mangoes in a paper bag (or newspaper). Leave them out at room temperature

for few days, they just ripe naturally.

Relevance: GS Prelims & Mains paper II; Governance

Source: PIB

## 3. Mumbai Billboard Collapse

### Why in News?

A giant advertisement hoarding sized 120 feet by 120 feet in Mumbai's Ghatkopar area collapsed in a dust storm in Mumbai on May 13, killing at least 16 people. The brunt of the monstrous 250-tonne structure's fall was borne by a petrol pump below, where many of the victims were either fuelling up or going about their duties. The owner of the hoarding erected on massive metal frames in April, 2023 on Government Railway Police (GRP) land, Bhavesh Bhide, absconded after the crash, but was later arrested in Rajasthan.

### Who is responsible?



Pressure has built up on the Municipal Corporation of Greater Mumbai (BMC) to inspect and take action on illegal or unstable hoardings in the city, and to ask Railways and Mumbai Port Trust to provide stability certificates for others. Other cities too responded to the incident. Officials in Chennai, where a ban on hoardings is being lifted, removed over 460 structures. Several hundred applications to install hoardings are pending in the city. In Pune, a large hoarding fell on a parked truck soon after the Ghatkopar incident, but caused no injuries.



### **What safety norms apply to hoardings?**

Local bodies issue licences for advertisement hoardings, particularly in bigger cities, stipulating that these structures should be approved by an executive authority. In Mumbai's case, the Mumbai Municipal Corporation Act (MMC) dating back to 1888 and amended over time stipulates that written permission of the Municipal Commissioner is needed to put up such structures.

Advertisement hoardings must meet norms, and these were apparently liberalised for Greater Mumbai through the Policy Guidelines for Display of Advertisements 2018 to tap the city's full financial potential. It is this document that makes structural stability certification from a registered structural engineer a condition for putting up hoardings, including sky signs that are larger than 100 sq. ft. For an on-ground hoarding on a site other than the business premises, the size limit is 40 feet by 40 feet as per this document.

By all accounts, the massive hoarding in Ghatkopar did not meet size norms but was not brought down by official agencies in spite of being a highly visible hazardous structure.

From a technical perspective, the Bureau of Indian Standards (BIS) lays out specifications for wind loads on hoardings under IS875, Part 3, giving formulae on how to calculate the force coefficients applicable to these wind-facing structures. If such standards are indeed applied by municipal bodies around the country, the data is not made public. No database of permits could be located on the BMC website in the hoardings section.

### **How is climate change a challenge?**

The biggest threat to cities, especially along India's peninsular coastline, is extreme weather such as cyclones intensified by climate change. The northern Indian Ocean, which contributes extreme weather systems to the region, hosts 6% of global cyclones but has disproportionately high impacts each year.

Data shows that summer monsoon rainfall over the sub-continent may be decreasing overall, but the number of extreme weather events involving heavy rain in a short period is rising. Along with cyclonic winds, torrential rainfall and heavy winds threaten coastal cities. This is a clear call to city governments to review conventional ideas on giant outdoor open-sky hoardings put up close to human activity.

### **Don't governments have legal liability?**

Yes, the government and the owners of the private structures do have liability. Most recently, in 2022, the Delhi High Court dismissed an appeal filed by the Bank of Baroda, against a single judge's order in *BoB versus Mahesh Gupta*, granting compensation in a case where a man was struck by a sign board and the head injury led to his death.

The bank contended that heavy wind struck Delhi on the day of the incident and it was thus an act of god. This was rejected by the court, which observed that since Delhi witnesses such winds in May each year, it was a foreseeable risk. Moreover, the bank had control of the signboard and had not proved that it had periodically inspected it to ensure its stability and integrity. Extreme rainfall and winds are foreseeable events now across the country, with clear warnings available from weather agencies. Governments have to show due diligence to avert harm to citizens from official actions. Much like the Ghatkopar case, where many people were trapped in a hoarding collapse, the court held in the Delhi case thus: the deceased writ petitioner was a passer-by who met with the accident while exercising his right of passage on a public pathway which abutted the building in which the bank was housed.

Applying such a principle clearly makes several connected individuals liable for negligence in the Ghatkopar case, beginning with the owners of the land, the agency that put up the structure and the line officials responsible for enforcement, extending to the civic officials and police who witnessed flagrant violation of rules but took no action.

Relevance: GS Prelims & Mains Paper III; Disaster Management

Source: The Hindu