

CURRENT AFFAIRS : OCTOBER 2023

SUPREME COURT JUDGMENT ON LGBTQIA+ RIGHTS

Recently, a 5-judge constitution bench of the Supreme Court (SC) in **Supriyo @ Supriya Chakraborty vs Union of India case** unanimously refused to accord legal recognition to marriages between persons of the same sex.

- Several petitions challenged the provisions of the **Special Marriage Act 1954**, **Hindu Marriage Act (HMA) 1955**, and the **Foreign Marriage Act 1969** to the extent these legislations do not recognise non-heterosexual marriages.





- On the issue of marriage, the court, exercising judicial restraint, expressly left it for the legislature and executive to decide, citing them being matters of policy.

- o While all five judges acknowledged the need to eliminate discrimination against same-sex couples, they did not unanimously agree on granting queer couples the designation of a legally recognized "civil union."

- o A majority of three judges asserted that any legal acknowledgement of such a union should only occur through enacted legislation.

- o **Civil Union:** It is a legal recognition, originally created for same-sex couples in jurisdictions where **they are not legally allowed to marry**.
- o It is basically a **halfway approach** between non-recognition and full recognition to homosexual marriages.
- o It grants rights similar to those of marriages and was **first legalized in 1999 in state of Vermont in the US**.

Legal Milestones in LGBTQIA+ Rights

	2014: NALSA vs. UoI ⇒ Recognition of non-binary gender identities
	2018: Navtej Singh Johar vs. UoI ⇒ Decriminalization of Section 377 of the IPC
	2017: Justice KS Puttaswamy (Retd.) vs. UoI ⇒ Right to Exercise Sexual Orientation
	2019: Transgender Persons (Protection of Rights) Act

LGBTQIA+ rights across the world

- Currently, there are more than 130 countries that have decriminalized homosexuality.
- The Netherlands was the first country to legalise same-sex marriages in 2001.
- Since then, more than 30 countries around the world have legalized the same-sex marriages.

PRO-LIFE VS. PRO-CHOICE

The Supreme Court rejected the plea of a married woman to abort her third pregnancy which has crossed 26 weeks.

- The present case had been filed on the ground that the petitioner was suffering from post-partum psychosis and was not able to raise a third child, emotionally, financially, and physically.
- Noticing that the pregnancy had crossed 24 weeks, the court stated that permitting the petitioner to carry on with the termination of pregnancy would violate the Medical Termination of Pregnancy (MTP) Act, 2021.

Medical Termination of Pregnancy (MTP) (Amendment) Act, 2021

- It allows termination of pregnancy in following cases:
 - **Up to 20 weeks:** Available to all on advice of single medical practitioner (MP).
 - **Between 20 and 24 weeks:** Available only in specific cases such as risk to life of pregnant women, substantial risk of abnormalities to child, etc., subject to advice of two MPs.
 - **Beyond 24 weeks:** Available only on grounds of substantial foetal abnormalities on the advice of a **medical board**.
- In India, carrying out abortion is illegal under section 312 and 313 of Indian Penal code, unless it is performed in a manner prescribed under MTP Act.

Pro-Life vs. Pro-Choice Debate in India

- Under the MTP Act, of 1971, abortion is a qualified right in India and can't be performed based solely on a woman's request.
- The judiciary, within the legislative framework, adopted careful, compassionate, and nuanced considerations respecting the autonomy of women while acknowledging the welfare of the unborn child.
- Further, the SC also noted that registered medical practitioners should refrain from imposing extra-legal conditions on women seeking to terminate their pregnancy.

AGE OF CONSENT

22nd Law Commission in its 283rd report advised that the age of consent should be not reduced from 18 to 16 years.

- Law Commission received a reference to consider the reducing age of consent from 18 to 16 under the Protection of Children from Sexual Offences (POCSO) Act, 2012.
- POCSO Act, 2012 was enacted to protect children from offences of sexual assault, sexual harassment and pornography.
 - o The Act also provides for the establishment of Special Courts for the trial of such offences.

What is the Age of Consent?

- Age of consent is defined as the age at which one is considered legally competent to consent for sexual activity.
- The POCSO Act fixed the age of being categorised as a child at 18 years, thus making it the default "age of consent"

Age of consent in IPC

- In line with the age criteria provided under the POCSO Act, Section 375 of the Indian Penal Code was **amended by the Criminal Law Amendment Act, 2013 to raise the age of consent to sexual intercourse to 18.**
- However, the **exception for a man having intercourse with his wife who is not under the age of 15 years** remained on the statute book.
- This is **contradictory to the POCSO Act** as Section 42A of the POCSO Act, which gives it an overriding effect over other laws, was inserted by the same 2013 Amendment Act.
 - In the case of **Independent Thought vs Union of India**, the **Supreme Court read down the exception in the IPC** that exempted sexual intercourse between a man and his wife being a girl between 15 and 18 years of age from being considered rape.

CRIMINALIZATION OF POLITICS

Recently released a report titled 'Analysis of Sitting MPs from Lok Sabha and Rajya Sabha of India 2023' was released.

- It was released by the Association for Democratic Reforms (ADR) and National Election Watch.
- Key Findings:
 - o Sitting MPs with criminal cases: 40% of Sitting MPs have declared criminal cases against themselves.
 - o Sitting MPs with serious criminal cases: 25% of Sitting MPs have declared serious criminal cases including cases related to murder, attempt to murder, etc.

o State with Highest Percentage of Sitting MPs with Criminal Cases: Highest Percentage of Sitting MPs with Criminal Cases in State/UTs: Lakshadweep>Kerala>Bihar>Maharashtra.

Measures to check Criminalization of Politics

• Legislative Measures:

- o **Section 8(3) of the Representation of People Act, 1951** says any lawmaker sentenced to at least two years in jail remains disqualified for six years upon their release.
- o Such a disqualification is enabled by **Article 102 (1) of the Constitution of India**, which says a lawmaker can be disqualified under any law enacted by the Parliament.
- o Similar provision exists for the states under Article 191(1).

• Judicial Pronouncements:

- o **Union of India vs. Association for Democratic Reforms (2002)**: SC stated that electors have a fundamental right to know the antecedents of candidates. It states 'right to be informed' as a right flowing from freedom of speech and expression.
 - o **Peoples Union for Civil Liberties (PUCL) v Union of India (2004)**: SC declared Section 33B of Representation of Peoples Act 1951 as unconstitutional and void.
- ✓ This section allowed candidates to furnish information only under the Act.
- o **Lily Thomas v Union of India (2013)**: SC ruled that Section 8(4) of the Representation of People Act (1951) as unconstitutional.
- ✓ **Section 8(4) of the RP Act** earlier allowed convicted MPs, MLAs and MLCs to continue in their posts, provided they appealed against their conviction/sentence in higher courts within three months of the date of judgment by the trial court.
- o **Public Interest Foundation v. Union of India (2018)**: SC ordered political parties to publish the criminal records of their candidates on their websites, social media handles, and newspapers.

- o **Rambabu Singh Thakur v Sunil Arora (2020)**: SC re-iterated the Court's 2018 directions and directed the Election Commission to report to the Supreme Court any non-compliance by political parties.

PARLIAMENTARY PRIVILEGES OF LAWMAKERS

Recently, the Supreme Court set up a seven-judge bench headed by the Chief Justice of India for reconsideration of its 1998 five-judge Constitution bench judgement in the P V Narasimha Rao case.

- The 1998 judgement of the **P V Narasimha Rao vs. State** case came in the backdrop of the 1993 JMM (Jharkhand Mukti Morcha) bribery case.
- As per the judgement, legal immunity granted to legislators under **Articles 105(2) and 194(2) of the Constitution** protects them against criminal prosecution on bribery charges for any speech or vote in Parliament.
 - o SC has now decided to reconsider this precedent.

About Parliamentary Privileges

- Parliamentary privileges are a legal immunity enjoyed by members of legislatures, in which legislators are granted protection against civil or criminal liability for certain actions done or statements made in the course of their legislative duties.
- So far, neither Parliament nor any State legislature has enacted any legislation that defines the powers, privileges and immunities of the Houses, or that of its members and committees.
- Parliament is the sole authority to ascertain if there has been a breach or contempt of the House— no court is entrusted with this power.
 - o A member of the House can raise a question involving a breach of privilege with the consent of the Chairman or Speaker.

What are the provisions that grant legislators immunity from prosecution?

- **Article 105** deals with the powers and privileges of both Houses of Parliament and its members and committees.

- o Similarly, **Article 194** outlines the corresponding powers, privileges and immunities of State legislatures and their members and committees.

- **Right to Prohibit Publication of Proceedings:** Article 105(2) stipulates that no person shall be liable in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or proceedings”.

- o A similar provision exists for Members of the Legislature of a State under Article 194(2).

- **Freedom of Speech in Parliament:** Freedom of speech available to the members on the floor of the House is different from that available to the citizens under Article 19(2).

- o Article 105(2) states that “No member is liable to any proceedings in any court for anything said or any vote given by him in Parliament or its committees”. This freedom is subject to the provisions of the Constitution and to the rules and procedures of the parliament, as stated under Article 118 of the Constitution.

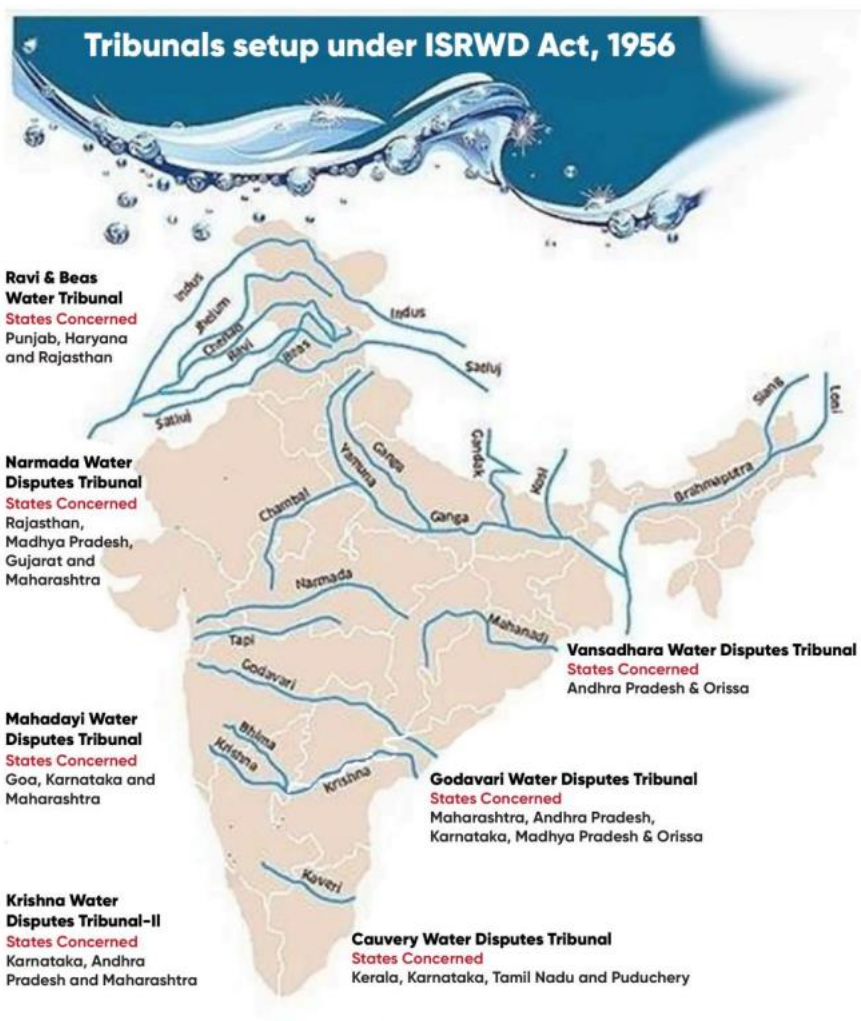
- o However, Article 121 restricts members from discussing the conduct of judges of the Supreme Court and High Court.

- **Freedom from Arrest:** Code of Civil Procedure, 1908 provides that members can enjoy freedom from arrest in any civil case 40 days before and after the adjournment of the house and also when the house is in session.

- o However, this privilege is limited to civil cases. An MP doesn't enjoy any immunity against action in a criminal case, during the session or otherwise.

INTER-STATE WATER DISPUTE

Recently, the Union Cabinet approved the terms of reference to Krishna Water Disputes Tribunal-II (KWDT-II) under the Inter-State River Water Disputes (ISRWD) Act, 1956.



Mechanism to deal with Inter-State Water Disputes:

- Under **Seventh Schedule** of Constitution,
 - o **Entry 17 of State List** reads "Water, that is to say water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 56 of List I (Union List)".
 - o **Entry 56 of List I** provide that "Regulation and development of inter-State rivers and river valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest".
- **Article 262:** It says that Parliament by law may provide for the adjudication of any dispute or complaint with respect to the use, distribution or control over the waters of, or in, any

inter-state river or river valley. In the exercise of the power conferred by Article 262 of the Constitution, Parliament has enacted two laws:

- o **Inter-State Water Disputes (ISWD) Act, 1956:** Under it, a State Government which has a water dispute with another State Government may request the Central Government to refer the dispute to a tribunal for adjudication.
- o **River Boards Act, 1956:** It was made for the setting up of River Boards by the central government for the regulation and development of inter-state rivers and river valleys.

SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006

Recently it has been reported that the states have rejected nearly 40% of the land claims under Forest Right Act.

About Forest Right Act (FRA), 2006

Before the enactment of this act, earlier acts did not recognize the symbiotic relationship of the STs with the forests and their dependence on the forest.

- **Section 3(1)(a)** of the FRA recognizes the right of the forest dwelling tribal communities (FDSTs) and other traditional forest dwellers (OTFDs) to hold and live in the forest land for habitation or for self-cultivation for livelihood.
- **Types of Rights under Section 3 of FRA Act**
 - o **Individual Forest Rights (IFR):** Right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood.
 - o **Community Forest Rights (CFR):** Seeks to restore all customary and traditional usufruct rights of forest-dwelling communities.
- **Role of Gram Sabha:** The Gram Sabha is the authority to initiate the process for determining the nature and extent of individual or community forest rights or both.
- **Land titles:** Act recognises the rights of an individual or family or community on the land however claim should not exceed more than four hectares.

o Land title given under the FRA is a legal title.

o Land Rights conferred by the Act were heritable (Section 4(4) of FRA), but not transferable or alienable.

'UNLAWFUL ASSOCIATION' UNDER UAPA, 1967

- Ministry Of Home Affairs declared the 'Jammu and Kashmir Democratic Freedom Party' as an 'Unlawful Association' under the Unlawful Activities (Prevention) Act (UAPA) 1967.
- UAPA was enacted for effective prevention of certain unlawful activities of individuals and associations, for dealing with terrorist activities, and for matters connected therewith.
- Key provisions
 - o Offences are cognizable (arrest could be made without a warrant).
 - o Penalty: Death or imprisonment for life, and shall also be liable to a fine if such act has resulted in the death of any person.

SARNA CODE

- Jharkhand Government is seeking recognition of Sarna religious code for tribals.
- Sarna followers are nature worshippers who do not consider themselves Hindus and have been fighting for a separate religious identity for decades.
 - o So far, the census surveys have included them as “others” in the religion column.
 - o Believers of Sarna faith do not practice idol worship, nor do they adhere to the concept of the Varna system, heaven-hell, etc.

SOUTH CHINA SEA

Philippines has removed a floating barrier installed by China which blocked Philippines fishing boats from entering a contested area in the South China Sea.

- Earlier China installed a floating barrier near a lagoon in the Scarborough Shoal claiming it as its territory while Philippines claims it to be a part of its Exclusive Economic Zone (EEZ).



SPORTS IN INDIA

In the 19th Asian Games India achieved a new milestone by clinching 107 medals, including 28 gold, 38 silver, and 41 bronze.

- India has been ranked 4th place.
- This feat surpassed India's previous best of 70 medals at the 18th Asian Games.
- China topped the list with 383 medals followed by Japan, and the Republic of Korea.


INTERNATIONAL CRIMINAL COURT (ICC)

- Armenia's Parliament voted to join the International Criminal Court.



International Criminal Court (ICC)

Hague, Netherlands



Genesis: Established by **Rome Statute** of International Criminal Court in 1998.

About: **Permanent international court** governed by an international treaty, **Rome Statute**

Members: **123 countries** are party to Rome Statute. **India is not a member.**

Composition: It has **18 judges** elected by the Assembly of States Parties. They serve for 9-year, non-renewable terms.

Objective: **To investigate and prosecute individuals** accused of serious international crimes: genocide, crimes against humanity, war crimes, and aggression.

Other Key Information: **Judgments are final** without appeal and binding upon the parties concerned.

- **Only States are eligible to appear before the Court** in contentious cases.

INDIAN OCEAN RIM ASSOCIATION'S (IORA)

- IORA Council of Foreign Ministers (COM) meeting held in Colombo (Sri Lanka).
- About IORA
 - It is an Inter-governmental organisation established in 1997, based on vision of Nelson Mandela.
 - It aims to strengthen regional cooperation and sustainable development within Indian Ocean region (IOR).
 - It has 23 members (within IOR).
- Comprises

- ✓ 1/3rd of world's population
- ✓ 80% of global oil trade
- ✓ Produces ~\$1 trillion in goods and services
- ✓ Intra-IOA trade is around \$800 billion.



CONTRIBUTIONS OF M S SWAMINATHAN

Mankombu Sambasivan Swaminathan, popularly known as M.S. Swaminathan, the legendary agricultural scientist passed away recently.

About M.S. Swaminathan

- A plant geneticist, he is regarded as the father and key architect of India's green revolution and is also often referred to as the "Farmers' Scientist".

- He was the recipient of the first World Food Prize in 1987 for his leadership in India's Green Revolution.
- He is also a recipient of Padma Vibhushan, the Ramon Magsaysay Award and several other national and international recognitions.

Scientific contributions of M S Swaminathan

- **Genetic Research:** He worked on breeding programs to develop crop varieties that were not only high yielding but also resistant to pests and diseases.
 - o His efforts led to the creation of several new crop varieties that were better suited to the Indian climate and agricultural conditions.
- **Rice varieties:** At the Central Rice Research Institute (CRRI), Cuttack, Swaminathan worked in the indica-japonica rice hybridization programme to develop fertilizer-responsive, high-yielding and short-stature varieties of rice to replace locally available, tall and low-yielding varieties.
 - o The work resulted in varieties like **ADT27**, and **RASI**. Varieties developed under this project directly contributed to the Green Revolution in India.

NOBEL PRIZES 2023

Nobel Prizes for 2023 were announced recently.

About Nobel Prize

- The Nobel Prize is an international award administered by the Nobel Foundation in Stockholm, Sweden, and based on the last will of Alfred Nobel (in 1895).
 - o Alfred Nobel, a Swedish inventor, and entrepreneur, is popularly known for inventing dynamite, blasting cap, and smokeless gunpowder.
- **Categories:** Instituted in 1901, the prize is awarded annually from the bulk of fortune left by Alfred Nobel in five categories: **Physics, Chemistry, Physiology or Medicine, Literature** and **Peace** -conferred to people for the greatest benefit to humankind in preceding year.

o The sixth category, the Nobel Prize in Economic Sciences, was instituted in 1968 by the Royal Bank of Sweden and was first awarded in 1969.

- What do the winners receive?

- o A Nobel diploma, each of which is a unique work of art;

- o A Nobel medal;

- o A cash prize of 10 million Swedish kronor. (They have to deliver a lecture to receive the money).

- Who awards the prizes:

- o The Royal Swedish Academy of Sciences awards the Nobel Prize in Physics, Chemistry and Economics.

- o The Nobel Prize in Literature is awarded by the Swedish Academy, Stockholm, Sweden.

- o The Nobel Assembly at Karolinska Institute, Stockholm, Sweden awards the Nobel Prize in Medicine (Physiology).

- o The Norwegian Nobel Committee is responsible for the selection of eligible candidates and the choice of the Nobel Peace Prize laureates.

- Prize winners are called **laureates**, to signify the laurel wreath given to victors of contests in ancient Greece. More than one, but no more than three, people can win each prize.

- The Nobel statutes prohibit the judges from discussing their deliberations for 50 years.

52ND GOODS AND SERVICES TAX COUNCIL (GST) COUNCIL MEETING HELD

About GST Council:

- o It is a constitutional body under Article 279A (101 Constitution Amendment Act, 2016).

- o Chairperson: Union Finance Minister

- o Members:

- ✓ Union Minister of State, in-charge of Revenue

✓ Minister in charge of finance or taxation or any other Minister nominated by each State Government

o Function: Making recommendations on issues related to implementation of GST

o Decision-making through voting: Decision requires a 3/4th majority of members present and voting.

✓ Centre's share is 33% of votes cast.

About GST Appellate Tribunals (GSTAT):

- GSTAT is a statutory body under the Central GST Act, 2017.
- It is the forum of second appeal in GST laws and the first common forum of dispute resolution between Centre and States.
 - o It is mandated to hear appeals against orders passed by Appellate Authority or Revisional Authority.

HAKKI PIKKI TRIBE

- o They are a semi-nomadic tribal group from Karnataka.
- o The community is known as the 'bird catcher,' which is their traditional occupation.
- ✓ The word 'Hakki' stands for 'bird' and 'Pikki' stands for the verb 'to catch'.
 - o After their trade of bird hunting was outlawed, they were rehabilitated in the 1970s.
 - o They are said to be a matriarchal group.
 - o They communicate in 'Vaagri'.
- ✓ UNESCO has listed 'Vaagri' as one of the endangered languages.
- ✓ They are renowned for their indigenous medicines.

CASTE CENSUS

The state government of Bihar recently released a report on the caste survey conducted in the state, after a resolution passed by the state legislature for the same.

Census in India

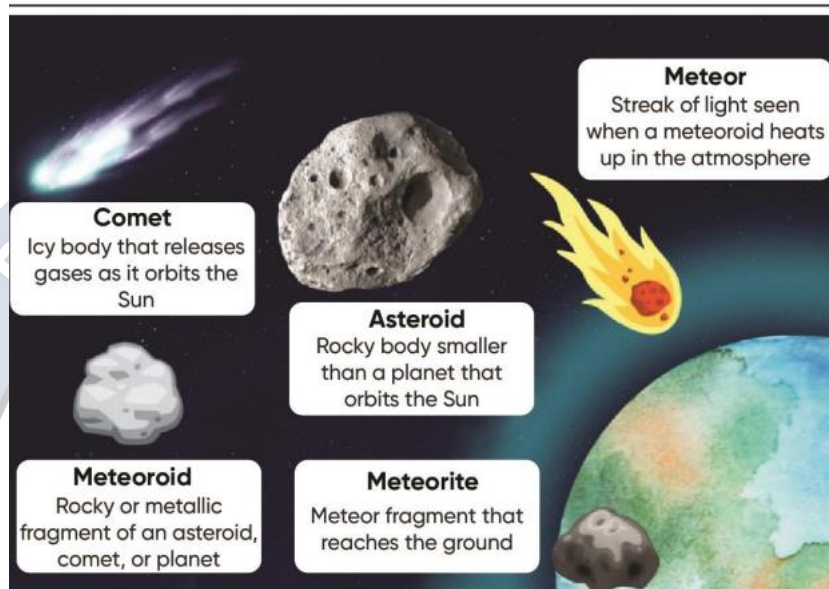
- Census is a **Union subject (entry 69 of the union list under Schedule VII)** under **Article 246** of the constitution.
- The **Census Act, 1948** provides a plan for conducting population census along with the duties and responsibilities of census officers.
- **Registrar General and Census Commissioner of India**, under the **Ministry of Home Affairs**, is entrusted with the responsibility to conduct decadal census.
- Later, this office was also entrusted with the task of implementation of the **Birth and Death Registration Act, 1969**.

- In 2011, Socio-Economic and Caste Census (SECC) was conducted through a comprehensive programme involving
 - o The Ministry of Rural Development, the Ministry of Housing and Urban Poverty Alleviation, the Office of the Registrar General and Census Commissioner, India, and State Governments/UT Administrations.
 - o In 2016, the SECC data, excluding caste data, was finalized and published.
 - o In 2021, the Central Government, in an affidavit submitted to the Supreme Court, stated that the caste/tribe data derived from the SECC 2011 is deemed "defective" and "not suitable for use."

ASTEROIDS

NASA's OSIRIS-REx mission brought the sample from carbon-rich asteroid Bennu back to Earth

Asteroids and related bodies



GLACIAL LAKE OUTBURST FLOOD (GLOF)

Sikkim witnessed Glacial Lake Outburst Flood (GLOF) due to bursting of the southern bank of the South Lhonak Lake.

Causes for Sikkim flash floods

The Sikkim disaster was primarily triggered by a catastrophic combination of factors.

- **Glacier melting**: Sikkim's South Lhonak Lake, situated in a high-altitude glacierised region, experienced accelerated melting due to climate change. This led to the lake's expansion.
- **GLOF event**: The pressure and volume reached a critical point, causing the lake to breach its boundaries. The resulting GLOF, combined with excessive rainfall due to cloud burst, triggered the devastating flash floods.

o A GLOF is a sudden and catastrophic event where a glacial lake, often dammed by a glacier or moraine, bursts open, releasing an immense volume of water, rocks, and debris downstream.

- **Chunghang dam:** The floodwaters reached the Teesta-III Hydel Project at Chunghang via the Lachen River and were worsened by release of water from Chunghang Dam.

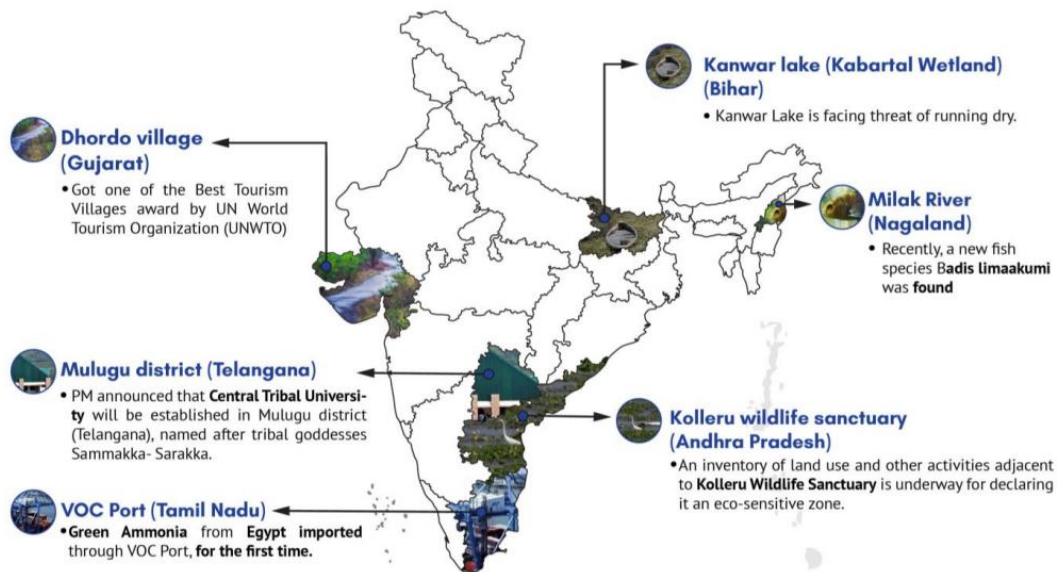
53RD DADASAHEB PHALKE LIFETIME ACHIEVEMENT AWARD

- Ms. Waheeda Rehman was honoured with this award.

About award

- o It is India's highest award in the field of cinema presented annually at the National Film Awards ceremony by the Directorate of Film Festivals (under Ministry of Information and Broadcasting).
- o Award was first introduced in 1969 and was bagged by actress Devika Rani.
- o Award is given to commemorate Dadasaheb Phalke's contribution to Indian cinema who directed India's first full-length feature film, Raja Harishchandra in 1913.
- o The award comprises a Swarna Kamal (Golden Lotus) medallion, a shawl, and a cash prize of ₹10 lakh.

Places in News: India



Places in News: World

