

## CURRENT AFFAIRS : FEBRUARY 2024

### ELECTORAL BOND SCHEME

Supreme Court in the Association for Democratic Reforms & Anr. v. Union of India (UoI) & Ors., unanimously struck down the Electoral Bonds (EB) Scheme.

#### Electoral Bond Scheme (EBS)

- **Electoral bond** means a bond issued in the nature of **promissory note** which shall be a bearer banking instrument and shall not carry the name of the buyer or payee.
- **Features of Electoral Bonds**
  - Issued to the Purchaser on a **non-refundable basis**.
  - Could be purchased by a citizen of India or a body incorporated in India will be eligible to purchase the bond, from **authorised branches of the State Bank of India (SBI)**.
  - Could be used for donating **only to the registered political parties** which secured not less than **1% of votes polled in the last general election** to the Lok Sabha or a Legislative Assembly.
- **The rationale of the scheme was to enhance transparency** in electoral funding since electoral bond transactions can only be made through legitimate banking channels.
- Each EB had a **unique alphanumeric number** visible under ultraviolet rays.

#### Highlights of the judgement:

##### Key question 1:

Whether the non-disclosure of information on voluntary contributions to political parties is violative of the right to information?

##### SC verdict:

- Electoral Bond Scheme, by anonymising contributions, violates the right to information traceable to Article 19(1)(a) and thus, is unconstitutional.
- Accordingly, amendments made by the Finance Act, 2017 to the Income Tax (IT) Act 1961, the Representation of Peoples Act 1951, and the Companies Act 2013, to allow donations through Electoral Bonds have been held to be unconstitutional.

## Key question 2:

Whether unlimited corporate funding to political parties as envisaged by the amendment to the Companies Act violates the principles of free and fair elections?

### SC verdict:

- Amendment to Companies Act permitting unlimited corporate contributions to political parties is arbitrary and violative of Article 14.
- The court emphasised the amendment's authorisation of unrestrained corporate influence in elections, which contravenes the principles of free and fair elections and political equality.

### Other key highlights of the judgement:

- The court issued the following directions:
  - o The issuing bank shall stop the issuance of electoral bonds.
  - o Directed SBI (State Bank of India) to submit to the ECI (Election Commission of India) the following information (within three weeks of judgment),
    - ✓ Details of electoral bonds purchased since the court's interim order (April 12, 2019), with details like date of purchase, name of purchaser and denomination of electoral bond purchased.
    - ✓ Details of political parties which have received contributions through Electoral Bonds since the interim order, with details like encashment date and denomination of Electoral Bond.
  - o Directed ECI to publish the information shared by the SBI on its official website within one week of the receipt of the information.
  - o Valid Electoral Bonds which are not encashed must be returned to the issuing bank, which would refund the amount to the purchaser's account.

## ARTICLE 142

The Supreme Court recently nullified the outcome of the Chandigarh Mayor election, exercising its power under Article 142 of the Constitution to ensure "complete justice".

### **About Article 142**

- The Supreme Court in the exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it.
- Enables the Supreme Court to exercise executive and legislative functions in specific scenarios, including issuing guidelines, directives, or orders to governmental bodies or other authorities.
- Permits the Supreme Court to intervene in matters concerning public interest, human rights, constitutional values, or fundamental rights, safeguarding them against any form of violation or infringement.
- Elevates the Supreme Court's role as the protector of the constitution and ultimate interpreter of the law, serving as a catalyst for judicial activism and innovation.

### **75 YEARS OF THE SUPREME COURT OF INDIA**

Recently, the Prime minister inaugurated the Diamond Jubilee celebration of the Supreme Court of India on 28<sup>th</sup> January at the Supreme Court auditorium in Delhi.

- On the occasion, PM launched multiple technology initiatives for the Supreme Court.
  - o Digital Supreme Court Reports: It will make Supreme Court judgments available to the citizens of the country free of cost and in electronic format.
  - o Digital Courts 2.0: Application is a recent initiative under the eCourts project to make court records available to the Judges of the district courts in electronic form.
    - ✓ The e-court mission, launched in 2013, aims to modernize India's court system by making it digital and improving access to justice.
  - o New website of Supreme Court: The new website will be in bilingual format in English and Hindi and has been redesigned with a user-friendly interface.

## Evolution of Supreme Court of India



### Regulating Act of 1774

- Supreme Court at Calcutta established
- Subsequently, SC of Madras (1800) and Bombay (1823) established



### India High Courts Act 1861

- High Courts for various provinces
- Abolished all three Supreme Courts



### Government of India Act 1935

- Created Federal Court of India
- Hears appeal against Judgements from High Courts



### Constitution of India

- On 28th January 1950, Supreme Court of India came into existence

### About Supreme Court

- According to **Article 124(1)** of the Indian Constitution, the Supreme Court of India must have a Chief Justice of India (CJI) and a maximum of seven additional justices unless Parliament specifies a higher number through a statute.

o Currently, the Supreme Court comprises the Chief Justice and 33 other Judges.

- **Constitutional Provisions:** The Supreme Court's powers and jurisdiction are outlined in Articles 124 to 147 of the Indian Constitution.

## Key Features of the Supreme Court of India

- **Highest Court of Appeal:** The Supreme Court is the highest appeal court and is also known as the apex court of India and even the last resort, where the citizens of India can seek justice if they are not satisfied with the judgment of the High Court.
- **Advisory Jurisdiction:** As per Article 143 of the Constitution, the SC can advise the President of India that is related to the question of law, and the nature of the matter is associated with public importance.
- **Adjudicate Federal Disputes:** The Court resolves disputes between the Union and the states and between different states (Article 131).
- **Judicial Review:** The Supreme Court reviews laws and actions of the executive to ensure they comply with the Constitution.
- **Protection of Fundamental Rights:** The Court protects the fundamental rights of citizens by issuing writs and orders (Article 32).
- **Public Interest Litigation (PIL):** The Court can take up cases on its own or on behalf of the public interest. In some matters, the Supreme Court also acts on its own and can pass suo moto.

## Challenges Faced by Supreme Court

- **Massive Case Backlog:** As of 2023, there were over 80,439 cases pending in the Supreme Court alone.
- **Judicial Activism vs. Judicial Restraint:** This debate revolves around the appropriate role of the judiciary in policy-making and governance.
- **Uncle Judge Syndrome:** The Law Commission of India's 230th Report highlighted a concern about potential favouritism in the appointment of judges to the High Court and Supreme Court, impacting the impartiality and fairness of the judicial system.
- **Judicial-Executive Conflict:** The judiciary and executive have faced rising conflicts, marked by delays in judicial appointments, the Tribunalisation of justice, and public criticism of the executive during COVID-19.

## NALSA (NATIONAL LEGAL SERVICES AUTHORITY)

- NALSA, or the National Legal Services Authority, is an apex organization established under the Legal Services Authorities Act, 1987.
- It oversees the implementation of legal aid policies and programs and monitors legal aid activities across India.
- The core principle of NALSA in India is to ensure that the impoverished and underprivileged have access to justice through the provision of free legal services.
- The legal aid under it is applicable to Courts, tribunals, and other bodies with judicial or quasi-judicial powers.
- It also promotes Settlement of Disputes through **Alternate Dispute Resolution (ADR)** Mechanisms.
- Central Government allocates annual funds to NALSA, distributed to State and District Legal Services Authorities.
  - o State Governments cover state-level expenses, including salaries.
- The weaker sections covered under Section 12 of the law include:
  - o Women and Children
  - o Members of Scheduled caste or Scheduled Tribes
  - o Industrial Workmen
  - o Persons with Disability
  - o Persons in Custody
  - o Victims of Human trafficking
  - o Victims of Natural Disasters, Ethnic/caste violence, industrial Disaster
  - o Persons with an annual income of less than Rs 1,00,000/- Or as notified by the Central/State Governments.

### Constitutional Provisions related to Free Legal Aid

- **Article 39A:** Mandates the State to ensure justice with equal opportunity, including free legal aid provision.
- **Article 14:** Guarantees equality before the law for all individuals within India's territory.
- **Article 22(1):** Provides protection to individuals arrested or detained, ensuring their right to legal consultation and representation.

### CRIMINAL DEFAMATION

The Law Commission in its report No. 285 titled “The Law of Criminal Defamation” has recommended that the offence of criminal defamation should be retained in the new criminal law.

#### About Criminal Defamation

- As per the Black's Law Dictionary, defamation means "The offence of injuring a person's character, fame, or reputation by false and malicious statements".
- Defamation is categorised into two types written of libel and oral or slander:
  - o Libel is an untrue defamatory statement that is made in writing. Slander is an untrue defamatory statement that is spoken orally.
  - o According to Indian Law libel and slander, both are considered to be criminal offences. Such statements are to be made in public to constitute defamation.
- **Indian Penal Code (IPC) section 499** makes it unlawful to communicate any false information about an individual to harm their reputation and the prescribed maximum punishment is two years.
  - o However, **Section 354(2) of the 2023 Bharatiya Nyaya Sanhita Act** states: “Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both or with community service.”

- The Supreme Court of India in **Subramanian Swamy v. Union of India (2016)** upheld criminal defamation, balancing free speech and the right to protect reputation.
- Law commission highlighted that reputation is an important facet of **Article 21** of the Constitution, which "cannot be allowed to be jeopardised just because an individual has to enjoy his freedom of speech" at the expense of hurting the sentiment of another.
  - o **Article 19 (2)** enumerates grounds on which restrictions on the freedom of speech and expression can be imposed, one of which is defamation.

## Law Commission of India



### Non-statutory body

#### Genesis:

- o First Time Law commission was established by **The Charter Act, 1833** and **Lord Thomas Babington Macaulay** was the First Law Member.
- o **Post-independence, First Law Commission** was constituted in **1955** by a **notification of the Government of India**.
- o Since then, **22 Law Commissions** have been appointed, each with a **three-year term**.

 **Ministry:** Department of Legal Affairs, **Ministry of Law & Justice**

 **Function:** Carries out **research in the field of law and makes recommendations** to the Government (in the form of Reports).

#### Other Key Features

- o Give **non-binding** Recommendations.
- o Till now Law commission has submitted **277 reports (Till January, 2024)**.



## EXERCISES IN NEWS

- **SADA TANSEEQ:** It is a joint military exercise between India and Saudi Arabia. Inaugural edition will be held from January 29 to February 10 in Rajasthan.
- **MILAN 2024:** MILAN 2024 is a multilateral naval exercise, hosted by India.
- **Exercise 'DOSTI-16':** 16th biennial trilateral coast guard exercise between India, the Maldives, and Sri Lanka started. Bangladesh is participating as an observer.
- **Exercise Steadfast Defender 24:** NATO started its largest military exercise since the Cold War called Steadfast Defender 2024.

## CASTE-BASED RESERVATION

The Maharashtra State legislative assembly passed the Maharashtra State Reservation for Socially and Educationally Backward Classes Bill, 2024, to provide 10% Reservation to the Maratha Community.

### **About the Bill**

- It identified the Maratha community as a **Socially and Educationally Backward Class (SEBC)**.
- The bill provides for 10% reservation to the Maratha community in recruitment for government jobs, and admissions to public as well as private educational institutions.
- Reservation would be available only to the persons belonging to the SEBC who are not falling in the **Creamy Layer**.

## Judicial pronouncements related to reservation

- **Indra Sawhney & Others v. Union of India, 1992:** 9-judge Bench of the SC,
  - Set a **ceiling of 50% on reservations** under Article 16(4).
    - ✓ For exceeding reservation **beyond 50%, extraordinary circumstances** should exist, for which extreme caution is to be exercised.
  - Court introduced the **concept of a 'creamy layer'** (socio-economically advanced among backward classes) who must be excluded from the benefits of reservations.
- **M. Nagaraj v. Union of India Case 2006:** SC laid down three conditions that States had to meet, before providing reservations in promotions. The state had to provide,
  - Quantifiable data on the backwardness of SCs/STs.
  - Facts about their inadequate representation in public employment.
  - Justification in favour of maintaining overall administrative efficiency.
- **Jarnail Singh & Ors. v. Lachmi Narain Gupta & Ors., 2018:** The SC did away with the requirement of collecting quantifiable data showing the backwardness of SCs and STs, for grant of quota for promotions in the government jobs.
- **Janhit Abhiyan v Union of India, 2022:** SC upheld 103rd Constitution Amendment Act which provided for EWS reservation, based on economic criteria.

## EXPANSION OF BRICS

Recently, five new members namely Egypt, Ethiopia, Iran, Saudi Arabia, and the United Arab Emirates have joined BRICS as full time permanent members. However, Argentina has withdrawn.

## BRICS EXPANSION



### Major Initiatives of BRICS

- **New Development Bank (NDB)** (HQ: Sanghai) and **Contingent Reserve Arrangement (CRA)** was created to provide mutual financial support.
- **Medical cooperation: Ufa Declaration** was adopted to prevent the spread of infectious diseases.
- **BRICS Science, Technology and Innovation (STI) Framework Programme** (2015) helped facilitate a common response to COVID-19.
- **BRICS Payments Task Force** as a step towards cooperation between central banks and other financial institutions on national payments systems.
- **BRICS Rapid Information Security Channel** promotes exchange of information on cyber threats among their central banks.

### HENLEY PASSPORT INDEX (HPI)

- India slipped to 85th position in the recently released Henley Passport Index for 2024

## About Henley Passport Index



Released by **Henley & Partners**.



Ranks according to number of destinations holders of a passport can access without a prior visa.



Based on data from **International Air Transport Association (IATA)**.



Compares visa-free access of **199 different passports to 227 travel destinations**.



**6 countries – France, Germany, Italy, Japan, Singapore, Spain – are ranked 1<sup>st</sup> in 2024.**

## UNIFIED PAYMENT INTERFACE (UPI)

- Prime Minister of India jointly inaugurated UPI services with Mauritius and Sri Lanka and also RuPay card services in Mauritius.

o This will boost digital transformation, promote tourism and strengthen bilateral economies ties with both countries.

### About UPI:

o It powers multiple bank accounts into a single mobile application (of any participating bank), merging several banking features e.g., transfer of funds, etc.

o Developed by National Payments Corporation of India, an initiative of RBI and Indian Banks' Association under provisions of Payment and Settlement Systems Act, 2007.

## CARTOSAT-2

- ISRO confirmed successful de-orbiting and atmospheric re-entry of Cartosat-2 at its end-of-life.
- About Cartosat-2
  - o Launched in 2007.
  - o Placed in Sun-synchronous orbit.
  - o Advanced remote sensing satellite capable of providing scene-specific spot imagery.
- De-orbiting of Cartosat-2: ISRO lowered its perigee (point in the orbit of a satellite at which it is nearest to the earth) using leftover fuel to comply with international guidelines on space debris mitigation.
  - o De-orbiting of Cartosat-2 represents a significant step for ISRO in ensuring long-term sustainability of outer space activities.

## MARATHA MILITARY LANDSCAPES

Maratha Military Landscapes will be India's nomination for recognition as UNESCO World Heritage List for the year 2024-25.

### **About Maratha Military Landscapes**

- It was included in Tentative List of World Heritage sites in 2021.
- Represent an extraordinary fortification and military system envisioned by the Maratha rulers.
- It is nominated in the category of cultural criteria.
- The inception of the Maratha Military ideology dates back to 17th Century during the reign of the Maratha King Chhatrapati Shivaji Maharaj.
  - o It continued through subsequent rules until Peshwa rule till 1818 CE.
- It covers forts from Maharashtra and Tamil Nadu.

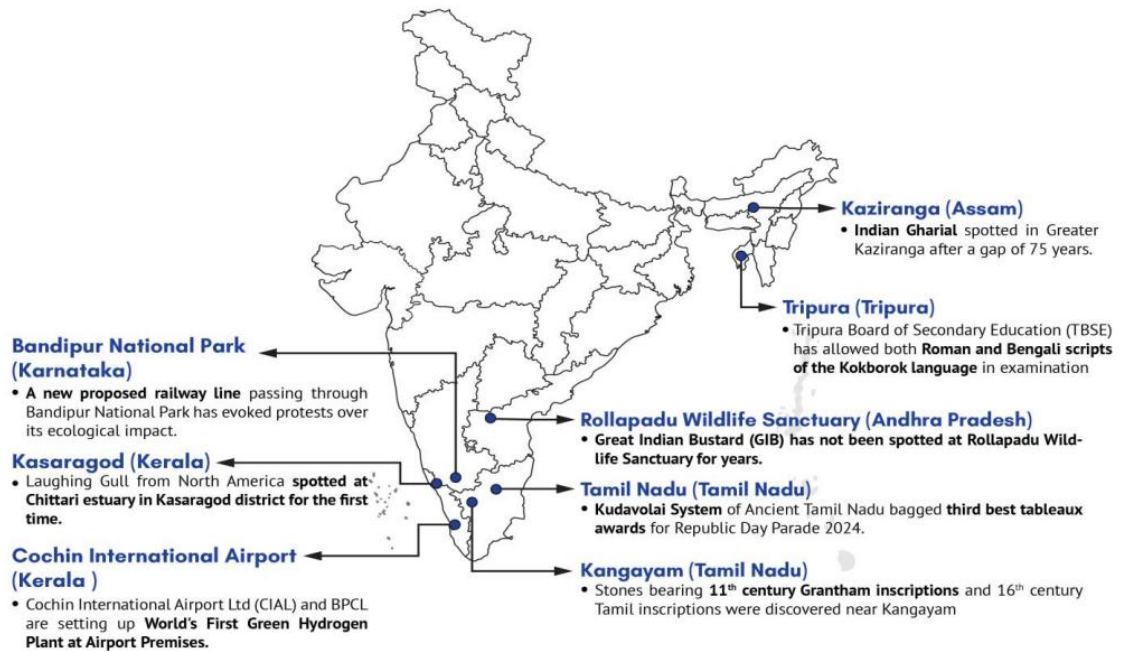
## BHARAT RATNA

P.V. Narasimha Rao, Chaudhary Charan Singh, MS Swaminathan, L K Advani, Karpoori Thakur received India's highest civilian award Bharat Ratna.

### **About Bharat Ratna**

- It is India's highest civilian award, granted by President to individuals for outstanding service across any field, irrespective of race, occupation, position, or gender.
- Recommendations: Made by the Prime Minister of India to the President (No formal recommendations for this are necessary)
- Recognition: Recipients receive a Sanad (certificate) signed by the President along with a medallion. Notably, the award does not come with any monetary grant.
- Establishment: It was instituted by former President Dr. Rajendra Prasad on January 2, 1954.
- Regulations: Article 18(1) of the Indian Constitution prohibits awardees from using 'Bharat Ratna' as a title, prefix or suffix to their name.
  - o However, they are allowed to include 'Awarded Bharat Ratna by the President' or 'Recipient of Bharat Ratna Award' in their biodata, visiting cards, letterheads, etc.

## Places in News: India



**Bandipur National Park (Karnataka)**

- A new proposed railway line passing through Bandipur National Park has evoked protests over its ecological impact.

**Kasaragod (Kerala)**

- Laughing Gull from North America spotted at Chittari estuary in Kasaragod district for the first time.

**Cochin International Airport (Kerala)**

- Cochin International Airport Ltd (CIAL) and BPCL are setting up **World's First Green Hydrogen Plant at Airport Premises.**

**Kaziranga (Assam)**

- Indian Gharial** spotted in Greater Kaziranga after a gap of 75 years.

**Tripura (Tripura)**

- Tripura Board of Secondary Education (TBSE) has allowed both **Roman and Bengali scripts of the Kokborok language** in examination

**Rollapadu Wildlife Sanctuary (Andhra Pradesh)**

- Great Indian Bustard (GIB)** has not been spotted at Rollapadu Wildlife Sanctuary for years.

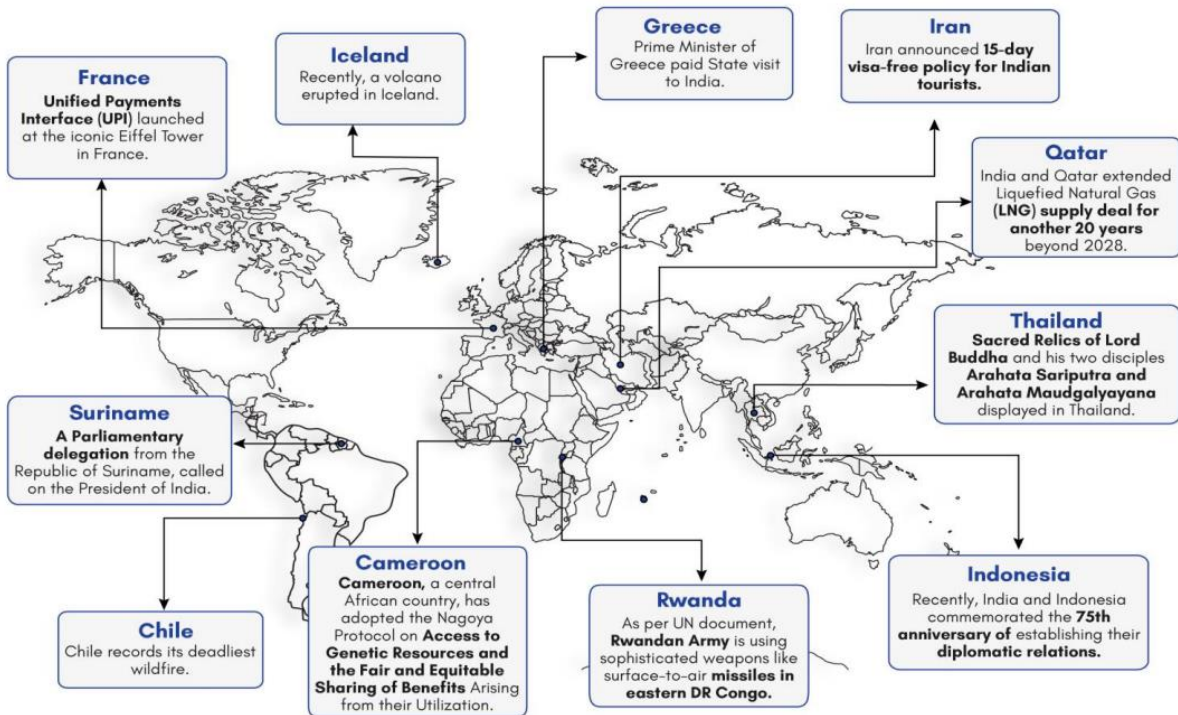
**Tamil Nadu (Tamil Nadu)**

- Kudavolai System** of Ancient Tamil Nadu bagged **third best tableaux awards** for Republic Day Parade 2024.

**Kangayam (Tamil Nadu)**

- Stones bearing **11<sup>th</sup> century Grantham inscriptions** and **16<sup>th</sup> century Tamil inscriptions** were discovered near Kangayam

## Places in News: World



**France**  
Unified Payments Interface (UPI) launched at the iconic Eiffel Tower in France.

**Iceland**  
Recently, a volcano erupted in Iceland.

**Greece**  
Prime Minister of Greece paid State visit to India.

**Iran**  
Iran announced **15-day visa-free policy for Indian tourists.**

**Qatar**  
India and Qatar extended Liquefied Natural Gas (LNG) supply deal for **another 20 years** beyond 2028.

**Thailand**  
**Sacred Relics of Lord Buddha** and his two disciples **Arahata Sariputra and Arahata Maudgalyayana** displayed in Thailand.

**Suriname**  
A **Parliamentary delegation** from the Republic of Suriname, called on the President of India.

**Chile**  
Chile records its deadliest wildfire.

**Cameroon**  
Cameroon, a central African country, has adopted the Nagoya Protocol on **Access to Genetic Resources and the Fair and Equitable Sharing of Benefits** Arising from their Utilization.

**Rwanda**  
As per UN document, **Rwandan Army** is using sophisticated weapons like **surface-to-air missiles in eastern DR Congo.**

**Indonesia**  
Recently, India and Indonesia commemorated the **75th anniversary** of establishing their **diplomatic relations.**