

1. SC guidelines on Speedy disposal of cases against lawmakers

Introduction

The Supreme Court issued guidelines on Thursday (November 9) to monitor the speedy disposal of criminal cases against Members of Parliament (MPs) and Members of Legislative Assemblies (MLAs).

Among the guidelines issued to high courts across the country, the court called for the setting up of a "special bench" to monitor criminal cases against legislators as well as suo motu registration of such cases by HCs.



What is this case?

The directions were given by a CJI DY Chandrachud-led bench while acting on a plea filed by advocate Ashwini Kumar Upadhyay.

The plea filed in August 2016 sought speedy disposal of cases involving lawmakers. It also sought a lifetime ban on convicted politicians, including sitting legislators, from contesting elections rather than subjecting them to the six-year ban, as laid down under Section 8(3) of the Representation of People Act, 1951. Section 8 of the RP Act, 1951, mainly deals with the disqualification of lawmakers on conviction for certain offences.

What does the RP Act say?

The Representation of the People Act, 1951, provides for the conduct of elections to the houses of parliament and the legislatures of each state, the qualifications and disqualifications for membership of those houses, corrupt practices, and other offences taking place at or in connection with the elections.

Although there are several provisions that deal with disqualification under the RPA, Section 8 specifically deals with disqualification of legislators on conviction for certain offences like promoting enmity between two groups, bribery, and undue influence, along with hoarding, profiteering, or adulteration of food or drugs.

However, the provision that Upadhyay sought to replace with a "lifetime ban" in his plea was Section 8(3), which states, "A person convicted of any offence and sentenced to imprisonment for not less than two years shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release." Essentially, this provision imposes a six-year ban on persons convicted of offences with a minimum two-year sentence.

While the top court in its ruling today addressed the first aspect of Upadhyay's plea seeking speedy disposal of cases against MPs and MLAs, it kept open the issue of replacing the 6-year ban with a lifetime one.

What did the court rule today?

The bench laid down guidelines for monitoring the early disposal of pending cases against lawmakers. These guidelines include:

1. Suo motu registration of cases by the chief justices of various high courts across the country
2. Quick disposal of pending criminal cases against legislators
3. Such cases can be heard by a CJ-led special bench or a bench designated by CJI
4. Such cases can also be listed at regular intervals, if necessary.
5. The special bench may also call upon the advocate general or prosecutor to assist the court.
6. Further, the court said that priority shall be given to cases against lawmakers that are punishable with death or life imprisonment. Besides this, cases punishable with 5 years imprisonment or more will also be prioritised.
7. Stating that it would be difficult to lay down uniform guidelines for trial courts across the country to dispose of such cases, the court left it to the high court to devise measures to effectively monitor such cases.

The court also ruled that HCs can issue similar orders and directions for effective disposal of such cases. The HCs can also call upon the Principal District and Sessions Judge to take on the responsibility of allocating "subject cases" to such courts.

Relevance: GS Prelims & Mains Paper II; Governance

2. India holds '2+2' Ministerial dialogue with the US

Introduction

Indian Defence Minister Rajnath Singh and External Affairs Minister S Jaishankar met their counterparts from the US government, Defence Secretary Lloyd Austin and Secretary of State Antony Blinken respectively, for the fifth 2+2 Ministerial Dialogue held in New Delhi on November 11.

The 2+2 meetings have been held annually with the US leaders since 2018.

What are 2+2 meetings and what is the rationale behind them?

The 2+2 meetings signify the participation of two high-level representatives, Ministers holding Foreign and Defence portfolios, from each of the two countries who aim to enhance the scope of dialogue between them.

Having such a mechanism enables the partners to better understand and appreciate each other's strategic concerns and sensitivities taking into account political factors on both sides, in order to build a stronger, more integrated strategic relationship in a rapidly changing global environment.

Who are India's 2+2 partners?

The US is India's oldest and most important 2+2 talks partner.

The first 2+2 dialogue between the two countries was held during the Trump Administration in New Delhi in September 2018.

It was also seen as a replacement for the Strategic and Commercial Dialogue, held between the foreign and commerce ministers of the two countries during the previous Obama administration.

Additionally, India has held 2+2 meetings with ministers from Australia, Japan, the United Kingdom and Russia.

The 2+2 dialogue with Japan began in 2019. Thereafter, such dialogue was adopted in 2021 with Russia. The same year, 2+2 dialogue with Australia also began. In October 2023, the first such meeting with the UK took place. It is to be noted that India has 2+2 dialogue with all the members of Quad namely US, Japan and Australia.

Defence and strategic agreements under 2+2

Over the years, the strategic bilateral relationship with its partners, including the dialogues held in the 2+2 format, has produced tangible and far-reaching results for India.

India and the US have signed a troika of “foundational pacts” for deep military cooperation, beginning with the Logistics Exchange Memorandum of Agreement (LEMOA) in 2016, followed by the Communications Compatibility and Security Agreement (COMCASA) after the first 2+2 dialogue in 2018, and then the Basic Exchange and Cooperation Agreement (BECA) in 2020.

Relevance: GS Prelims & Mains Paper II; Bilateral Relations

Source: The Indian Express & The Hindu

3. How rains in Delhi helped improve its air quality

Following a few days of high levels of air pollution in Delhi, light showers of rain on November 9 and 10 led to clearer skies and better air quality.

Rain reduces PM

Some constituent pollutants measured by the AQI – such as Ozone, Sulphur dioxide and other pollutants – are not as easily washed away. PM 2.5 and PM 10 can, however, be washed out to a significant extent if it rains for a long period of time. Therefore, prolonged rain can help reduce air pollution in a limited sense, with its impact focused on particulate matter.

What is the process?

An earlier article from the Massachusetts Institute of Technology (MIT) explained: “As a raindrop falls through the atmosphere, it can attract tens to hundreds of tiny aerosol particles to its surface before hitting the ground. The process by which droplets and aerosols attract is coagulation, a natural phenomenon that can act to clear the air of pollutants like soot, sulfates, and organic particles.”

What exactly are PM 2.5 and PM 10?

These are extremely fine particulate matter (PM) particles, with the digits accompanying them referring to their diameter. So, PM 10 and PM 2.5 are smaller than 10 and 2.5 microns in their diameter, respectively. One micron is about a thousandth of a millimetre.

The source of these pollutants is vehicular pollution, emissions from factories, construction activities and road dust. Such particles are not dispersed and stay suspended in the air that we breathe.

How much reduction was visible?

PM 2.5 levels sharply rose to 310 on November 5. Following rains, it declined to 174. PM 10 levels also similarly declined – ranging between 400-480 in early November and then dropping to 291.

Relevance: GS Prelims & Mains Paper III; Environment
Source: The Indian express and The Hindu

PrepMate