

1. Advocate-on-Record system in the Supreme Court

Why in news?

The Supreme Court recently pulled up an Advocate-on-Record (AoR) for filing a frivolous case and dismissed the public interest litigation. The Court censured the lawyer that an AoR cannot merely be a "signing authority."

The SC bench also called for a "comprehensive plan" for reforming and improving the AoR system of the top court, which will be drawn up in collaboration with the Bar. But who is an AoR and why does the Supreme Court have a special category of advocates?

Who is an AoR?

Only an AoR can file cases before the Supreme Court. An AoR might engage other lawyers including senior counsels to argue before the Court but the AoR is essentially the link between the litigant and the highest court of the country.

After fulfilling an eligibility criterion and clearing a rather tough examination, an advocate is qualified to be an AoR.

Simply put, AORs are a pool of elite Delhi-based lawyers whose legal practice is mostly before the SC. They can appear before other courts too. The idea behind this practice is that a lawyer with special qualifications, picked by the Supreme Court itself, is equipped to appear for a litigant because it is a court of the last opportunity for the litigant.

How does one become an AoR?

The Supreme Court Rules, 2013 prescribe eligibility criteria for an AoR.

While an advocate has to clear an examination set by the Court itself, the advocate has to meet specific criteria to be eligible to appear for the exam. The advocate must train with a court approved AoR for at least one year to take up the exam. She must also have at least four years of practice before starting the training itself.

An advocate needs to score at least 60% i.e. a minimum of 240 marks out of 400 with at least 50% in each subject in a three-hour exam. The subjects include Practice and Procedure, Drafting, Professional Ethics and Leading Cases. An AoR must have an office in Delhi within a 16-kilometre radius of the SC.

What are the rules governing the AoR system?

According to Section 30 of the Advocates Act, any lawyer enrolled with the Bar Council is entitled to practice law before any Court or tribunal in the country. However, the provision also categorically states that “nothing in the provision shall be deemed to affect the power of the Supreme Court to make rules under Article 145 of the Constitution.”

Under Article 145 of the Constitution, the Supreme Court is empowered to make rules and regulate its own procedure for hearing cases.

Based on System of Barristers and Solicitors

The AoR system is broadly based on the British practice of barristers and solicitors. While barristers wear the black gown and wig and argue cases, solicitors take up cases from clients. In the Federal Court, the colonial predecessor of the Supreme Court, “agents” would take up cases while barristers would argue. In High Courts, the arguing counsels were referred to as pleaders. Senior advocates in India are designated by the Court and wear a distinct gown. Like barristers, they cannot solicit clients and are only briefed by other lawyers, say for example, an AoR.

In England	Barristers	Solicitors
What do they do?	argue cases in front of a judge, prepare arguments for the court	initial preparation, litigations settled out of court, draw up wills, give advice, investigate, prepare documents
Where do they work?	in a courtroom	in an office
Who pays them?	are employed by solicitors	clients
Do they have the right of audience?	yes, even in the highest courts	only in lower courts
Additional information	judges are usually chosen from the most senior barristers	

Relevance: GS Prelims

Source: The Indian Express

2. Direct listing on foreign exchanges for Indian companies

Why in news?

The government recently permitted certain Indian companies to directly list on select foreign stock exchanges, which will allow these companies to access global capital and boost capital outflows.

The permission has been given to Indian companies by way of amendment to the companies act. The amendment empowered the central government to allow certain classes of public companies to list prescribed classes of securities in foreign jurisdictions. This essentially means certain classes of domestic public companies can be listed on prescribed foreign stock exchanges.

How will direct foreign listing benefit Indian companies?

With the new provision, domestic companies can tap foreign markets to raise funds. This allows Indian companies another medium of raising capital. It will also add to India's foreign exchange kitty.

Further steps required

Experts said this week's MCA announcement is a first step for direct listing on foreign jurisdictions but more details, especially where and how they will be listed, are required.

In terms of clarity, what is needed immediately is to understand (a) which classes of public companies can use this route, (b) what are the classes of securities (such as equity, preference, etc) which can be listed, (c) which are the foreign jurisdictions and permitted stock exchanges where such companies can list and so on.

Relevance: GS Prelims & Mains Paper III; Economics

Source: The Indian Express & The Hindu

3. Elvish Yadav case: Snake venom as a recreational drug

Why in news?

Reality television show Bigg Boss OTT winner and YouTuber Elvish Yadav was booked recently by the Gautam Buddha Nagar police in a case pertaining to the sale of snake venom at rave parties in the National Capital Region.

According to the police, they recovered 20 ml of snake venom, five cobras, a python, 2 two-headed snakes, and a rat snake from the accused.

Snake venom is often used as a recreational drug. Its smuggling is a multi-million dollar illicit industry. In November 2022, the Border Security Force (BSF) in West Bengal's Dakshin Dinajpur district seized a jar containing 2.14 kg of snake venom, which was valued at Rs 17 crore in the international market.

How is snake venom consumed?

In the reported cases of snake venom use in India, snakes were deliberately made to bite on the consumer's feet or tongue. Snakes like cobras and Indian kraits were most commonly used for this purpose.

How does snake venom affect the human body?

According to the study, which chronicled a case study of a 33-year-old male consumer with a history of substance abuse, "The snake bite was associated with jerky movements of the body, blurring of vision, and unresponsiveness, i.e. 'blackout' as per the patient for 1 h (hour). However, after waking up he experienced a heightened arousal and sense of well-being, which lasted for 3–4 weeks." Once the effect of the bite wore off, the man began to experience irritation and lethargy and craved drugs.

In the reported cases, consumers described the experience of a snake bite to be associated with "happiness, grandiosity, and excessive sleepiness". Consumers didn't report any withdrawal symptoms, however, in some cases, they became more tolerant and started to indulge "in more frequent snake bite trips."

Why does snake venom give a high?

It may have to do with the neurotoxin nature of snake venom that causes analgesia, or the inability to feel pain. Forms of a neurotoxin found in cobra venom, particularly, bind on nicotinic acetylcholine receptors (nAChRs) that are widely distributed in the human brain area and are involved in the euphoric or rewarding experience. Moreover, once the venom enters human blood, it releases active metabolites like serotonin that have "different psychotropic effects such as hypnotic and sedative".

Why is using snake venom as a recreational drug dangerous?

According to a study, the reported cases didn't witness any fatality as the consumers took too little venom. However, it isn't well known what quality of venom can be fatal for humans. Therefore, experts suggest that recreational use of snake venom can lead to not only addiction but also death.

Relevance: GS Prelims

Source: The Indian Express & The Hindu