

Current Affairs : 24 July 2022

CJI: MEDIA TRIALS AFFECT FREEDOM OF JUDICIARY

In News:

- Chief Justice NV Ramana said agenda-driven debates, especially in electronic media, are detrimental to the health of democracy in India.
- He was delivering the inaugural Justice S B Sinha memorial lecture at the National University of Study and Research in Law, Ranchi.

Key Highlights of the speech

- **Media trials affect freedom of judiciary**
 - A major impeding factor in justice delivery is the concerted campaigns in media, particularly in social media against judges.
 - Another aspect which affects the fair functioning and independence of the judiciary is the rising number of media trials.
 - New media tools have enormous amplifying ability.
 - However, these tools appear to be incapable of distinguishing between the right and the wrong, and the real and the fake.
 - Media trials cannot be a guiding factor in deciding cases
- **On agenda driven media debates**
 - Ill-informed and agenda-driven debates on issues involving justice delivery are proving to be detrimental to the health of democracy.
 - Biased views being propagated by the media are affecting the people, weakening democracy, and harming the system.
- **On regulation of media**
 - He said that the print media still has a certain degree of accountability.
 - Whereas, electronic media has zero accountability as what it shows vanishes into thin air. Still worse is the social media.

- Owing to the frequent transgressions and consequent social unrests, there is a growing demand for stricter media regulations and accountability.
- Unless the media self-regulates its conduct and stops transgressing the limits, the judiciary could be forced to draw lines for them.
- **Bats for judiciary on overreach**
 - Often, the politicians have termed the stringent scrutiny of the legislative and bureaucratic action by the constitutional courts as the tyranny of the unelected.
 - Judges, being unelected, should not get into legislative and executive arenas.
 - They often highlight the fact that the judges are unaware of the social and constituency pressure behind the decision-making process.
 - CJI said judicial scrutiny of the actions of other two organs (legislative and executive) is the heart and soul of the Constitution.
 - It keeps people's faith in the system.
- **On too many vacations in the SC and the HCs**
 - CJI also defended the too many vacations in SCs and HCs.
 - Currently, the SC works for around 200 days in a year, the HCs work for around 225 days and trial courts for 245 days.
 - He said that the judges are overloaded with the work, which includes:
 - Preparing for cases; listening to novel arguments, doing independent research, and authoring judgments.
 - Judges, particularly the senior judges, have to deal with the various administrative duties of a judge as well.
 - Hence, it is not easy to prepare for more than 100 cases every week as many number of hours goes into preparation for the cases.
- **Laments lack of security for judges after retirement**
 - Judges who have spent decades handing out punishment and sending criminals to jail require security after retirement.
 - However, no such protection is available.

- Judges have to live in the same society as the people that they have convicted, without any security or assurance of safety.
 - **Challenges before the judiciary**
 - The CJI said one of the biggest challenges before the judiciary at present is prioritising the matters for adjudication.
 - This is because the judges cannot turn a blind eye to social realities.
 - He also mentioned that the burden on an already fragile judicial infrastructure is increasing by the day.
 - The need of the hour, he said, is to initiate a multi-disciplinary study, where scientific methods can be used to equip the judiciary for the future.
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LAW PANEL TO EXAMINE SIMULTANEOUS ELECTIONS

In News:

- The issue of holding simultaneous Parliamentary and Assembly elections has been referred to the Law Commission in order to develop a workable roadmap and framework.
- This was informed by the Union Law Minister recently in Lok Sabha.

Simultaneous elections in India:

- In India, elections to state assemblies and the Lok Sabha are currently held separately, that is, whenever the incumbent government's five-year term expires or is dissolved for various reasons.
- The terms of the Legislative Assemblies and the Lok Sabha (LS) may not coincide.
- E.g., Rajasthan state legislative assembly elections took place in late 2018, elections to the 17th Lok Sabha in 2019, whereas for Tamil Nadu legislative assembly in 2021.
- However, the concept of "One Nation, One Election" envisions a system in which all state and Lok Sabha elections must be held simultaneously.
- This will entail restructuring the Indian election cycle so that elections to the states and the centre coincide.

- This would imply that voters will vote for members of the LS and state assemblies on the same day and at the same time (or in a phased manner as the case may be).

Background:

- Simultaneous elections are not new in India, having been the norm until 1967.
- However, after the dissolution of some Legislative Assemblies in 1968 and 1969, as well as the Lok Sabha in December 1970, elections to State Assemblies and Parliament have been held separately.
- The idea of returning to simultaneous elections was raised in the Election Commission's annual report in 1983. It was also mentioned in the Law Commission's Report in 1999.
- The most recent push came ahead of the 2014 Lok Sabha elections in the manifesto of one of the contesting parties (BJP).
- Following the Prime Minister of India's reintroduction of the idea in 2016, the NITI Aayog prepared a working paper on the subject in 2017.
- The Law Commission stated in its 2018 working paper that at least "five Constitutional recommendations" would be required to make simultaneous elections a reality in India again.
- The final decision on holding simultaneous elections has yet to be made.

How will it work?

- There were two proposals to hold concurrent elections alongside the 17th Lok Sabha elections. Both, however, did not materialise.
- One proposal was to make the shift to simultaneous polls in a phased manner.
- In this proposal, general elections, 12 State Assemblies (which by themselves face elections in late 2018 or 2019) and a Union Territory with Legislature may be synchronised in 2019, as the rest of the states are in the middle of their five-year term.
 - Aside from political consensus and term extensions of up to six months in some states, constitutional amendments are required for such synchronisation to occur.
 - Elections to the remaining state legislatures and union territories with legislatures was to be synchronised by the end of 2021.
 - Following that, elections to the Lok Sabha, all State Legislative Assemblies and Union Territories (with legislatures) will be held simultaneously beginning in 2024.

- The second option involved **synchronisation in two batches**.
- First, elections to the 12 State Legislative Assemblies and one Union Territory would be synchronised with elections to the Lok Sabha in 2019.
- Next, elections to the remaining State Legislative Assemblies will be synchronised with that of one Union Territory by the end of 2021.
- This makes elections across the country synchronised in such a manner that they will be held twice every five years.

Benefits of simultaneous elections:

- **Report of Parliamentary Standing Committee, 2015:** The Committee in its Report on “Feasibility of holding simultaneous elections to the House of the People (Lok Sabha) and State Legislative Assemblies” noted several justifications for holding simultaneous elections -
 - The massive expenditure that is currently incurred for the conduct of separate elections. Simultaneous polls will reduce enormous costs involved in separate elections.
 - The policy paralysis that results from the imposition of the Model Code of Conduct (MCC) during election time.
 - Impact on delivery of essential services.
 - Burden on crucial manpower that is deployed during election time.
 - This means, the system will help ruling parties focus on governance instead of being constantly in election mode.
- According to the Law Commission, simultaneous polls will boost voter turnout.

Challenges:

- **Constitutional challenges:**
 - The Indian Constitution provides for the dissolution of the legislature if the ruling party loses majority by passing a vote of no confidence.
 - In such a case, holding simultaneous elections is difficult.
- **Affects judgement of voters:**
 - National and state issues are different and holding simultaneous elections is likely to affect the judgement of voters.
- **Reduced accountability of government:**

- Since elections will be held once in five years, it will reduce the government's accountability to the people.
- Repeated elections keep legislators on their toes and increase accountability.
- **Logistical issue:**
- In terms of resource allocation (manpower, preparing electoral rolls, etc), conducting simultaneous elections will be a challenge for the Election Commission of India (ECI).

News Summary

- Between 2014 and 2022, there were as many as 50 State Legislative Assembly elections.
- The entire expenditure on the conduct of elections to the Lok Sabha is borne by the Centre.
- Similarly, the expenditure on the conduct of elections to the State legislatures is borne by the respective State governments when such polls are held independently.
- The Union Law Minister said a Parliamentary panel had examined the issue of simultaneous polls to the Lok Sabha and State Legislative Assemblies.
- The panel noted that frequent elections lead to disruption of normal public life and impact the functioning of essential services.
- It also noted that simultaneous polls would reduce the massive expenditure incurred to conduct separate elections every year.
- In case the elections are held simultaneously, the expenditure is borne by the States concerned and the Centre on a 50:50 basis.

Current status of the issue

- The matter now stands referred to the Law Commission for further examination to work out a practicable roadmap and framework for simultaneous elections to Lok Sabha and State Assemblies.
- In its draft report, the 21st Law Commission had said it was convinced that there exists a viable environment, necessitating the holding of simultaneous elections.

GLOBAL HEALTH EMERGENCY

World Health Organization (WHO) has declared monkey pox a global health emergency.



About:

- It came at the end of the second meeting of the WHO's emergency committee on the virus.
 - The classification is the highest alert that the WHO can issue and follows a worldwide upsurge in cases.
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- WHO Director-General Dr. Tedros Adhanom Ghebreyesus said more than 16,000 cases have now been reported from 75 countries. There have been five deaths so far as a result of the outbreak.
 - There are only two other such health emergencies at present - the coronavirus pandemic and the continuing effort to eradicate polio.

NATIONAL BROADCASTING DAY

National Broadcasting Day was observed on July 23, 2022.



About:

- On this day in 1927, the first-ever radio broadcast in the country went on the air from the Bombay Station under a private company, the Indian Broadcasting Company.
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- On the 8th of June, 1936, the Indian State Broadcasting Service became All India Radio.
 - Since 1927, Radio has been an important part of people's life in India. All India Radio has been serving to inform, educate and entertain the masses truly living up to its motto - 'Bahujan Hitaya, Bahujana Sukhaya'.

FLAG CODE OF INDIA

The government has amended the Flag Code of India to allow the tricolour to be displayed in the open and on individual houses or buildings through day and night.

About:

- The provision earlier allowed the flag, when displayed in the open, to be flown from sunrise to sunset as far as possible.



- Now, a member of the public, a private organisation or an educational institution is allowed to hoist the flag on all days and occasions, ceremonial or otherwise, consistent with dignity and honour of the national flag. The move comes ahead of 75th anniversary of Indian Independence.
 - The Flag Code of India was earlier amended on December 30, 2021, allowing the use of polyester, apart from cotton, wool, silk and khadi for making hand-spun, hand-woven and machine-made flags.
 - Prime Minister Narendra Modi has called upon people to hoist the Tricolour or display it in their homes between 13th and 15th August. Mr Modi said, this Har Ghar Tiranga movement will deepen our connect with the national flag as the nation is marking Azadi Ka Amrit Mahotsav this year.
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