



## CURRENT AFFAIRS



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# NASAL VACCINE

### Why in news ?

COVID-19 recombinant nasal vaccine of Bharat Biotech's got its approval from the Ministry of Health's central Drugs Standard Control Organisation, for primary immunization of those who are under the age of 18 years and above in a situation of emergency.

Manusukh Mandaviya the Health Minister has shared this information on Twitter

### The nasal vaccine is a

- The vaccines are generally given through different routes, among all of them the most common is to deliver the vaccine through injection shorts into the muscles (intramuscular), or into the tissue just between the skin and the Muscles.
- There are two other ways to deliver the vaccine into the body administering the liquid solution orally into the body, which is generally practised for infants in some vaccines.
- In some cases, the intranasal route is used, in which the vaccine is sprayed into the nostrils and inhaled.
- Most of the viruses, like the coronavirus, enter the body through mucosa-wet, squishy tissues that line the nose, mouth, lungs and digestive tract-triggering a unique immune response from cells and molecules there.
- Many viruses, including the coronavirus, enter the body through mucosa — wet, squishy tissues that line the nose, mouth, lungs and digestive tract — triggering a unique immune response from cells and molecules there.
- Scientists believe an intranasal vaccine can act against the virus more effectively to break the body's barrier.
- on the other hand, intramuscular vaccine sometimes fails to elicit this mucosal response, as they rely on the immune cells mobilized

## The nasal vaccine works



- The vaccine stimulates the response in the blood, in both the case of delivery routes,
- For example, B cells would churn out the antibodies – Including a particular potent disease – fighter called IgG- to move in the body in search of the virus.
- The T-Cell, another cell, would either help B cells produce antibodies or seek out and destroy the infected cells.
- However, the vaccine, which is injected through the nose or mouth, also traps another set of immune cells that hangs around mucosal tissue.
- The B cells that live there can produce another type of antibody, called IgA, that plays a prime role in killing airway pathogens.
- In addition to this, the cell that is residing nearby will be able to memorise the pathogens that it encountered and will lifelong scout the areas where these were 1st encountered.

## What are the advantages of NASAL Vaccine :

- The nasal route has supreme possibilities for vaccination because of the organized immune systems of the nasal mucosa.
- It is non-invasive and needle-free, painless.
- It is easy to insert into the body, as it does not require trained health care workers.
- it can help to get rid of needle-associated risks (injuries and infections).
- It will be suitable for children as well as for adults.
- Scalable manufacturing, will possibly be able to meet the global demand.

## Intranasal vaccines may be most beneficial for special populations:

- It can be used in children and elderly people as it is easy to use, non-invasive
- For HIV-infected patients with no fear of needle stick injuries
- The multi-morbid patients who are exhausted from injections

- **From a manufacturing point of view.**
- The prime advantage of using an intranasal route is. the dry or liquids form of the formulation can be used
- This gives advantages to transportation and wastage issues, because a cold chain may not be required.
- Longer shelf life can be achieved.

#### **What are the Concerns:**

- There is a very low chance to back the effectiveness of this route of delivery till now and except for some flu,
- They are safe but, their efficacy is tough to achieve as it deepens on multiple bioengineering approaches.

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## **Supreme Court permits live streaming of proceedings of all Constitutional Bench**

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#### **CONTEXT**

The Supreme Court recently allowed live streaming of its proceedings in important Constitutional Bench cases from September 27. Constitutional Bench is a bench of the Supreme Court having five or more judges on it.



#### **BACKGROUND**

- In 2018, The Apex Court in *Swapnil Tripathi v Supreme Court of India* declared live telecast of Court Proceedings as part of Right to Access Justice under **Article 21 of the Constitution** which deals with Protection of Life and Personal Liberty.

- Consequently, “Draft Model Rules for Live-streaming and Recording of Court Proceedings” were released to regulate live streaming of court proceedings.
- Virtual hearings of court proceedings became common with the onset of COVID pandemic but these were restricted to the parties to dispute and were not accessible for the general public.
- In 2021, a PIL on concerns of COVID, suo moto taken up by the Gujarat High Court was live streamed and was viewed by more than 94,000 people.
- Currently, the Gujarat, Patna, Jharkhand, Karnataka, Orissa and Madhya Pradesh High Court have already been live streaming their proceedings through Youtube.

## **RESTRICTIONS**

The Court may refuse to allow streaming of live proceedings in the following cases as suggested by the Attorney General of India, KK Venugopal:

- Matrimonial matters,
- Matters involving interests of juveniles or the protection and safety of the private life of the young offenders,
- Matters of National security
- To ensure that victims, witnesses or defendants can depose truthfully and without any fear.
- To protect confidential or sensitive information, including all matters relating to sexual assault and rape,
- Matters where publicity would be antithetical to the administration of justice, and
- Cases which may provoke sentiments and arouse passion and provoke enmity among communities.

## **BENEFITS OF LIVE STREAMING PROCEEDINGS**

The move will have great significance as will pave way for the following positive outcomes:

- It will lead to de-congestion of courts
- It would remove the need for people to come to Delhi from distant states for a day’s hearing.
- It will lead to more transparency, inclusivity and better access to justice
- Increase legal literacy and the public’s engagement with the Constitution and laws of the land.
- Improve the quality of conduct of the legal fraternity particularly lawyers and bring more decorum and discipline.
- Promote flow of real time information
- Various matters of national importance are lined up for hearing like petitions challenging the quota for economically weaker sections (EWS), hijab ban, and Citizenship Amendment Act (CAA), excommunication in the Dawoodi Bohra community, petition for enhanced compensation for victims of 1984 Bhopal gas tragedy, the and SC’s power to dissolve marriages on the grounds of irretrievable breakdown. Hearing on such issues of national and public interest deserve to be watched by the public.

## CONCERNS OF LIVE STREAMING PROCEEDINGS

The decision has given rise to certain issues and concerns like:

- It may lead to sensationalization and disinformation as clips may be circulated irresponsibly with catchy sensational titles to garner views effectively leading to fake news and propaganda.
- People may be misled watching snippets of the hearing when in reality everything needs to be viewed as a whole
- May lead to self-censorship by Judges and lawyers to escape criticism on unpopular opinions. This goes against constitutionalism as judges are sworn to constitutional morality and not popular morality
- It may hamper genuine courtroom engagement
- Issues of Lack of technical manpower in courts and awareness amongst litigants and advocates as well as their acceptance to the system change is also there.
- May be susceptible to cyber attacks
- Lack of Infrastructure and high-speed internet connectivity

### WAY FORWARD:

Introduction of live streaming is a welcome step to enhance the justice delivery system in India. As the Supreme Court pointed out in **Swapnil Tripathy vs Supreme Court**, “*sunlight is the best disinfectant. Live-streaming will ensure that the interface between a court hearing with virtual reality will result in the dissemination of information in the widest possible sense, imparting transparency and accountability to the judicial process*” However, this must be implemented with caution as **Ex-CJI N.V. Ramana** stated, “*A judge cannot be swayed by popular opinion. Yes, with increased public gaze, he might become a subject of multiple debates, that should never deter him from his duty to protect the right of one against the might of many. Always remember, as a repository of people’s faith, a judge cannot afford to lose objectivity,*” while to lawyers, he said, they should watch over their clients’ interests rather than vie for publicity.

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## Repercussions of alternations in the catchment area



## **Why is it in the news?**

Bellandur , Varthur, Saul Kere and Kaikondrahalli, overflow in these lakes of Bangaluru is a consequence of the loss of interconnectivity of the water bodies, which is a prime reason for the current urban flooding.

When the government took up the work of the removal of suspended slits from the Bellandur and Varthaur lakes in June 2020, that work is yet to be completed.

## **The main reason for urban floods in Bangalore is the Loss of Interconnectivity between the lakes**

- The scientist of the Indian Institute of Science (IIS) has confirmed that the Bengaluru lakes are not in a good condition.
- Bengaluru has lost 45 to 50% of interconnectivity between the lakes, due to unplanned urban development and encroachment.
- which is the prime reason for the decaying of the lake due to sewage inflow and also led to frequent flooding in the areas closer to it.
- In the 19th century, Bangalore had a 740 sq km region and 1452 water bodies with a capacity of water storage of 35 TMC (thousand million cubic feet), which helps in both harvesting rainwater and also to mitigate floods.
- But at present, Banlaguru has left with only 193 lakes and most of them lost connectivity due to the blocking of the stormwater drains (rajakulaves) because of encroachment or solid wastes.
- The clag deposition in the lakes decreased the water holding capacity of the lakes.
- The number of wetlands in Bangalore also reduced from 285 to 194.

## **Repercussions of Alteration of Catchment areas**

- Bengaluru has a significant interconnected lake system.
- To secure the continuation of the Hydrological functions of the drains and flood plains, the valleys zones connecting the lakes must be protected.
- But, the habitants of these valley zones of the cities continuously abuse the delicate ecosystem despite norms to protect them.
- Due to large-scale catchment alteration with changes in land use and land cover, the Bellandur-Varthur wetland ecosystem in Bangalore, experiencing the threat.
- In 2004 the wetland was started to convert into mixed land, to be used to build both residential and office complexes.
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- The upstream lakes to Bellandur and Varthur, which include Kaikondrahalli and Saul Kere, are also overflowing due to the rampant encroachments of stormwater drains.
- Because of rampant encroachment of stormwater drains, there is an overflow in the upstream lakes to Belladur and Vathur , including the kaikondrahalli and Saul Kere.
- A study by scientists stated that the stormwater drain connecting Bellandur lake from the city market side was narrowed to 28.5 m against the original width of 60 m.

- The groundwater restoration structure was not taken up due to the flow of sewage in SWDs.
- Drains and water bodies are not interconnected and linkage linkage between drains was absent
- This affected the free flow of stormwater leading to frequent flooding in many parts of the city.

### **Failure of removal of clag**

- In 2020 June, Bangalore Development Authority commenced the removal of clag from the Ballardur and Vathur Lakes. But due to the pandemic, the work is yet to be completed.
- Most of these lakes and drains in this series are either encroached or not the removal of clag leading to flooding.

### **What we can conclude**

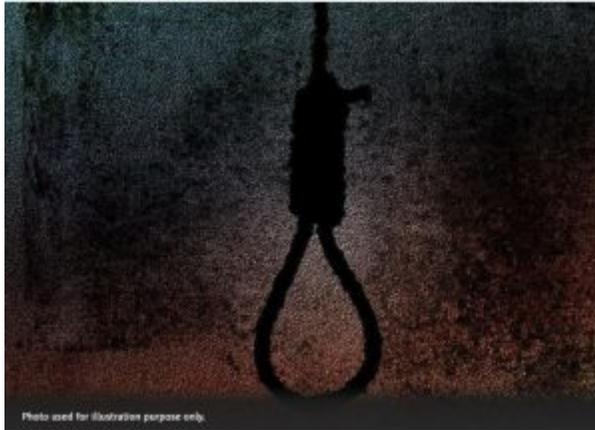
- Hence, there is a very urgent need to include public open spaces within the urban fabric in the form of storm management infrastructure, which could help our cities transform into water-sensitive cities.
- And the development in urban areas must be done under some environment-friendly planning program

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## **Hearing Before Death Sentence: SC refers to Constitutional bench framing guidelines on mitigating circumstances**

### **CONTEXT**

The Supreme Court has referred to a larger Constitution bench of 5 judges the issue of framing uniform norms for awarding the death sentence. The 3 Judge bench headed by CJI UU Lalit observed that the prevailing practice “places the convict at a hopeless disadvantage, tilting the scales heavily against him”. This move is hailed as a much-needed reform in awarding death penalty since there exist differences of opinion and approach in deciding whether the Court is obligated to hold a separate hearing of sentencing after recording the conviction of the accused for a capital offense.



## CONSTITUTIONAL PROVISION OF DEATH SENTENCE AND JUDGMENTS

- Under Section 235(2) CrPC, If the accused is convicted, the Judge shall..hear the accused on the question of sentence, and then pass sentence on him according to law.
- The apex court in **Bachan Singh v State of Punjab(1980)** upheld the constitutional validity of death penalty and established the “rarest of the rare” principle to decide if death penalty should be given to the convict. Court also held that after awarding death penalty, court would conduct another hearing where the convict would place mitigating circumstances before the court to convince him why he shouldn’t be granted death penalty.
- While the State can present aggravating circumstances against the accused during the trial, the convict can produce mitigating factors only after conviction. This inherently discriminatory.
- Due to some benches conducting hearing of sentencing the same day after awarding the death sentence, other benches considering this to be against principles of natural justice, a lot of ambiguity has arisen.
- The CJI in present case considered if mitigating circumstances ought to be brought to the attention of the trial court at the very stage of framing charges or even after the conclusion of the prosecution evidence.

## AGGRAVATING AND MITIGATING CIRCUMSTANCES

- Aggravating factors may increase a sentence, making the crime more serious in nature. For example, if the accused is a Repeat/Habitual offender, if the victim was vulnerable due to her age or mental or physical condition, if the crime was a hate crime, etc.
- Mitigating factors on the other hand represent extenuating circumstances that might lead to a reduced sentence. For example young age of the suspect, chances of the accused of not indulging in commission of the crime again, psychiatric disorder or addiction, etc
- Supreme Court in its reference stressed that a trial court must take into account “the social milieu, the age, educational levels, whether the convict had faced trauma earlier in life, family circumstances, psychological evaluation of a convict and post-conviction conduct, were relevant factors at the time of considering whether the death penalty ought to be imposed upon the accused”.

## THE NEED FOR UNIFORMITY

- In *Manoj and Ors vs. State of MP*, Supreme Court pointed to the absence of legal framework to handle death penalty sentencing and the subjectiveness and arbitrariness of judges involved.
- *Machhi Singh vs. State of Punjab* gave judicial recognition to the notion of “shock of collective conscience” as a ground for imposition of the death penalty. However, it failed to clearly define in what circumstances would amount to “shock of collective conscience”
- The lack of guidelines often make the poor and vulnerable bear the brunt. In a 2016, Project 39A study by National Law University Delhi analyzed profiles of 385 death row prisoners and found that 76 per cent of such prisoners belonged to scheduled castes and scheduled tribes, other backward classes or religious minorities and over three-fourths were from economically vulnerable sections.
- The present three-judge Bench said a uniform approach as to when and how to afford an accused opportunity to present mitigating circumstances before their condemnation to death after the crime is declared “rarest of rare” should be decided authoritatively by a Constitution Bench.

## WAY FORWARD

Awarding a death sentence is a serious matter and trial courts should do so only after thoroughly weighing and balancing the aggravating and mitigating circumstances. The accused should be allowed to lay down mitigating factors at the initial stage only and a humanistic approach is needed. The drafting of uniform guidelines by the Supreme Court will give much needed clarity to the issue. There needs to be additional review of the fact whether death penalty is needed since it has been done away in majority of the developed and developing countries Law Commission Report, 2015 on Death Penalty recommended abolishing death penalty and retaining it only for terrorism related offences and waging war against the country. A reformatory approach to punishment in need of the hour.

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