

# NHRC panel had members with BJP ties: Bengal in SC

**AmitAnand.Choudhary**  
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**New Delhi:** Questioning the impartiality of the NHRC committee that inquired into complaints of post-poll violence in West Bengal, based on which the HC ordered a CBI probe, the state govt contended before the Supreme Court that some of its members are associated with BJP and it looked like a "BJP investigative committee".

At the outset of the brief hearing, senior advocate Kapil Sibal, appearing for the West Bengal government, told a bench of Justices Vineet Saran and Aniruddha Bose that the NHRC chairman should not have selected people with BJP links to be part of the committee. He said that the committee consisted of members who are either members of BJP or known to be closely associated with the party.

He said that one of the members Atif Rasheed is a former president of student union

of ABVP Satyawati College and contested the Delhi municipal election in 2021 on a BJP ticket and also served as the president of BJP Minority Morcha. Referring to other member Rajulben L Desai, who is a member of National Commission for Women (NCW), Sibal said she was associated with Gujarat BJP Mahila Morcha and in 2017 was in charge of the Gujarat BJP Beti Bachao and Beti Padhao Project.

When the bench pointed out that a person may have a political past but he/she may no longer have such links, Sibal, said that they continue to be associated with the party. The bench thereafter deferred the hearing and posted it to September 20 and asked the parties to file their written notes. "It is submitted that inclusion of the aforesaid members in the committee indeed gave rise to a reasonable likelihood of bias and vitiated the independence of the entire committee," the state said in its petition.

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# जांच के खिलाफ अपील पर 20 को सुनवाई

■ पश्चिम बंगाल में  
चुनाव के बाद हिंसा  
का है मामला

नई दिल्ली, 13 सितम्बर (एजेंसी) : उच्चतम न्यायालय ने सोमवार को कहा कि वह बंगाल में चुनाव बाद हुई हिंसा के दौरान बलात्कार और हत्या के जघन्य मामलों की अदालत की निगरानी में सीबीआई जांच का निर्देश देने वाले कलकत्ता उच्च न्यायालय के आदेश के खिलाफ पश्चिम बंगाल सरकार की अपील पर 20 सितंबर को सुनवाई करेगा। न्यायमूर्ति विनीत सरन और न्यायमूर्ति अनिरुद्ध बोस



की पीठ के समक्ष पश्चिम बंगाल सरकार की ओर से वरिष्ठ अधिवक्ता कपिल सिब्बल ने घटनाओं की जांच के लिए गठित मानवाधिकार समिति के सदस्यों की ओर इशारा करते हुए कहा, 'क्या आप कल्पना कर सकते हैं कि इन लोगों को आंकड़े एकत्र करने के लिए नियुक्त किया गया? क्या यह भाजपा की जांच समिति है?' उन्होंने कहा कि

बलात्कार और हत्या जैसे मामलों की जांच के लिए केंद्रीय अन्वेषण ब्यूरो (सीबीआई) है और अन्य घटनाओं की जांच के लिए एक विशेष जांच दल (एसआईटी) है। शीर्ष अदालत ने इस पर कहा, 'अगर किसी का राजनीतिक अतीत था और अगर वह आधिकारिक पद पर आ जाता है तो क्या हम उसी तथ्य के आधार पर उसे पूर्वाग्रह से ग्रस्त मानेंगे?' सिब्बल ने कहा कि सदस्य अभी भी भाजपा से संबंधित पोस्ट कर रहे हैं और मानवाधिकार समिति के अध्यक्ष ऐसे सदस्यों की नियुक्ति कैसे कर सकते हैं? इस दौरान उन्होंने अंतरिम आदेश का अनुरोध किया।

# Sterlite case police firing 'scar on democracy': HC

TIMES NEWS NETWORK

**Chennai:** Asserting that the 2018 police firing on anti-Sterlite protestors in Tuticorin was a scar on the face of our democracy, the Madras high court said citizens should not be fired at the behest of any corporate house.

"Also, the state should consider a realistic quantum of compensation for either category, apart from others who suffered injuries," the court said on certain measures suggested by the National Human Rights Commission (NHRC), including enhancing the compensation to the families of those who died and or were injured.

"If there is any indication that firing was resorted to on behalf of any corporate, it must be addressed," the first bench of chief justice Sanjib Banerjee and justice P D Audikesavalu said on Monday.

The court then directed the NHRC to report the steps taken to find a logical conclusion to the issue based on the report of its investigation division.

On the probe being con-

## Set up mental health institutes, allocate more funds, Madras HC tells Centre



Observing that 47 government-run mental health hospitals are not sufficient for a country like India with a population of nearly 136 crore, Madras high court asked the Centre to establish more central mental health institutions like Nimhans at the earliest. It should also allocate more funds for mental health care as more people are suffering from mental illness. A division bench of justice N Kirubakaran (since retired after signing the order) and justice B Pugalendhi observed that the World Health Organization calls India the most depressed country in the world. Hence, it is the duty of the Centre along with all state governments to have a comprehensive action plan to identify patients with mental illness and provide appropriate treatment. A periodical survey should be conducted for this purpose, the court said. Since there is an acute shortage of psychiatrists and child psychiatrists in the country, the judges said all medical colleges should have a department of psychiatry with a postgraduate course. TNN

ducted by the CBI, the bench said: "The matter should be brought to its logical end, as expeditiously as possible, to give a meaningful closure to it and the circumstances in which firing had to be resorted to against unarmed citizens must come out in the report." The state is requested to play the real parental role in providing counselling and psychiatric assistance to the members of the bereaved fam-

ilies, if necessary, the court added.

"The state must be seen to be with the families and not an adversary, despite whatever may have happened. The state needs to walk the extra mile for such purpose..." the judges said.

The directions were passed on a PIL moved by rights activist Henri Tiphagne seeking direction to the NHRC to reopen the probe and to furnish a report of the investigation.



# Citizens should not be fired on at behest of corporate houses: HC

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"Also, the state should consider a realistic quantum of compensation for either category, apart from others who suffered injuries," the court said, pointing out to certain measures suggested by the National Human Rights Commission (NHRC), including enhancing the compensation to the families of those who died and injured.

"If there is any slightest indication that firing was done on behalf of any corporate, it must be addressed," the first bench of Chief Justice Sanjib Banerjee and Justice P D Audikesavalu said on Monday. The court then directed the NHRC to report the steps taken to find a logical conclusion to the issue based on the report of its investigation division.

As to the probe being conducted by the CBI, the bench said: "The matter should be brought to its logical end, as expeditiously as possible, to give a meaningful closure to the mat-



Tuticorin firing is a scar on democracy, says the high court

ter and the circumstances in which firing had to be resorted to against unarmed citizens must come out in the report."

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"The state must be seen to be with the families and not an adversary, despite whatever may have happened. The state needs to walk the extra mile for such purpose..." the judges said.

The court then adjourned the hearing to October 25 for the commission to file its report. The directions were passed on a PIL moved by rights activist Henri Tiphagne seeking direction to the NHRC to reopen the probe and to furnish a report of the investigation.



# HC: Police firing on Sterlite protesters 'scar on democracy'

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# AID SOUGHT FOR SEXUALLY ABUSED CUTTACK MINOR



POST NEWS NETWORK

**Bhubaneswar, Sept 13:** An activist filed a petition before the National Human Rights Commission (NHRC) Monday, seeking compensation for one minor girl who was sexually abused by miscreants in Cuttack few months back.

The girl hails from Mahanga area of Cuttack district and is a Plus II student of a private college. Mahanga police have already arrested one accused identified as Rakesh Behera after registering a case (200/21) in this regard.

The petitioner urged the commission to direct the state Chief Secretary to sanction ₹10 lakh as compensation to the victim. He also demanded stringent action against the accused.

According to the petition, two local youths of Mahanga forcibly took the victim to a house and tried to rape her in the month of May this year. The accused persons also recorded the heinous act through their mobile phone cameras.

**The petitioner urged the commission to direct the state Chief Secretary to sanction ₹10 lakh as compensation to the victim, and also demanded stringent action against the accused**

However, they failed in their attempt due to the presence of some passers-by.

Rakesh, along with his friends, blackmailed the girl into keeping sexual relationship with them by threatening to post obscene photos and videos of the victim on various social media platforms. The victim mustered courage and informed the members of Cuttack child line about the incident May 11. Subsequently, the child line authorities sought the help of police. Behera was arrested the very same day.



## बंगाल हिंसा : हाई कोर्ट के आदेश के खिलाफ सुप्रीम कोर्ट में सुनवाई 20 को

नई दिल्ली, (विसं)। उच्चतम न्यायालय ने सोमवार को कहा कि वह बंगाल में चुनाव बाद हुई हिंसा के दौरान बलात्कार और हत्या के जघन्य मामलों की अदालत की निगरानी में सीबीआई जांच का निर्देश देने वाले कलकत्ता उच्च न्यायालय के आदेश के खिलाफ पश्चिम बंगाल सरकार की अपील पर 20 सितंबर को सुनवाई करेगा।

न्यायमूर्ति विनीत सरन और न्यायमूर्ति अनिरुद्ध बोस की पीठ के समक्ष पश्चिम बंगाल सरकार की ओर से वरिष्ठ अधिवक्ता कपिल सिब्बल ने घटनाओं की जांच के लिए गठित मानवाधिकार समिति के सदस्यों की ओर इशारा करते हुए कहा, क्या आप कल्पना कर सकते हैं कि इन लोगों को आंकड़ें एकत्र करने के लिए नियुक्त किया गया ? क्या यह भाजपा की जांच समिति है? उन्होंने कहा कि बलात्कार और हत्या जैसे मामलों की जांच के लिए केंद्रीय अन्वेषण ब्यूरो (सीबीआई) है और अन्य घटनाओं की जांच के लिए एक विशेष जांच दल (एसआईटी) है। शीर्ष अदालत ने इस पर कहा, अगर किसी का राजनीतिक अतीत था और अगर वह आधिकारिक पद पर आ जाता है तो क्या हम उसी तथ्य के आधार पर उसे पूर्वाग्रह से ग्रस्त

मानेंगे? सिब्बल ने कहा कि सदस्य अभी भी भाजपा से संबंधित पोस्ट कर रहे हैं और मानवाधिकार समिति के अध्यक्ष ऐसे सदस्यों की नियुक्ति कैसे कर सकते हैं? इस दौरान उन्होंने अंतरिम आदेश का अनुरोध किया। लेकिन शीर्ष अदालत ने कहा कि वह मामले में 20 सितंबर को सुनवाई करेगी। पीठ ने कहा, कुछ नहीं होगा। हम सोमवार (आगामी) को सुनवाई करेंगे। राज्य सरकार ने अपनी विशेष अनुमति याचिका में कहा है कि उसे सीबीआई से निष्पक्ष जांच की उम्मीद नहीं है जो सत्तारूढ़ तृणमूल कांग्रेस के नेताओं के खिलाफ मामले गढ़ने में व्यस्त है। इससे पूर्व, जनहित याचिका दायर करने वालों में से एक अधिवक्ता अनिद्धा सुंदर दास ने शीर्ष अदालत में कैविएट याचिका दायर कर आग्रह किया था कि यदि राज्य सरकार या अन्य वादी अपील दायर करते हैं तो उन्हें सुने बिना कोई आदेश पारित नहीं किया जाए। जनहित याचिका पर ही कलकत्ता उच्च न्यायालय ने 19 अगस्त को अपना आदेश दिया था। कार्यवाहक मुख्य न्यायाधीश न्यायमूर्ति राजेश बिंदल के नेतृत्व वाली उच्च न्यायालय की पांच न्यायाधीशों की पीठ ने इस साल तृणमूल कांग्रेस को सत्ता में वापसी दिलाने वाले विधानसभा चुनाव परिणाम के बाद हुई हिंसा के

दौरान कथित जघन्य अपराधों के सभी मामलों की जांच सीबीआई से कराने का आदेश दिया था। पीठ ने चुनाव बाद हुई हिंसा से जुड़े अन्य अपराधों की जांच एसआईटी से कराए जाने का आदेश भी दिया था। उच्च न्यायालय ने पीठ के निर्देश पर गठित की गई राष्ट्रीय मानव अधिकार आयोग एनएचआरसी समिति, किसी अन्य आयोग या प्राधिकार और राज्य सरकार को मामलों से संबंधित रिकॉर्ड आगे की जांच के लिए तत्काल सीबीआई को सौंपने का भी निर्देश दिया है। इसने कहा था कि अदालत सीबीआई और एसआईटी दोनों की जांच पर नजर रखेगी। पीठ ने दोनों एजेंसियों को छह सप्ताह के भीतर स्थिति रिपोर्ट सौंपने का निर्देश दिया था। इस पीठ ने हालांकि पहले कहा था कि विशेष जांच दल के काम की निगरानी उच्चतम न्यायालय के एक सेवानिवृत्त न्यायाधीश करेंगे जिसके लिए अलग से आदेश पारित किया जाएगा, लेकिन बाद में यह जिम्मेदारी कलकत्ता उच्च न्यायालय की पूर्व मुख्य न्यायाधीश मंजूला चेल्लूर को सौंप दी गई। पीठ ने कहा था कि राज्य कथित हत्या के कुछ मामलों में भी प्राथमिकी दर्ज करने में विफल रहा है और इससे पता चलता है कि एक निश्चित दिशा में ही जांच करने का मन बनाया गया है।

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# Tuticorin firing a scar on democracy: Madras HC

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## GIVE REALISTIC COMPENSATION: HC

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“If there is any indication that firing was resorted to on behalf of any corporate, it must be addressed,” the first bench of chief justice Sanjib Banerjee and justice PD Audikesavalu said on Monday.

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NHRC to report the steps taken to find a logical conclusion to the issue based on the report of its investigation division.

On the probe being conducted by the CBI, the bench said: “The matter should be brought to its logical end, as expeditiously as possible, to give a meaningful closure to it and the circumstances in which firing had to be resorted to against unarmed citizens must come out in the report.”

The state is requested to play the real parental role in providing counselling and psychiatric assistance to the members of the bereaved families, if necessary, the court added. “The state must be seen to be with the families and not an adversary, despite whatever may have happened. The state needs to walk the extra mile for such purpose...” the judges said.

The directions were passed on a PIL moved by rights activist Henri Tiphagne seeking direction to the NHRC to reopen the probe and to furnish a report of the investigation.



# Bengal raises NHRC probe team's 'BJP connections' in SC

**AmitAnand.Choudhary**  
@timesgroup.com

**New Delhi:** Questioning the impartiality of the NHRC committee that inquired into complaints of post poll violence in West Bengal, based on which the high court ordered a CBI probe, the state government contended before the Supreme Court that some of its members are associated with the BJP and it looked like a "BJP investigative committee".

At the outset of the brief hearing, senior advocate Kapil Sibal, appearing for the state government, told a bench of justices Vineet Saran and Aniruddha Bose that NHRC chairman should not have selected people with BJP links to be part of the committee. He said that the committee consisted of members who are either members of the BJP or

known to be closely associated with the party.

He said that one of the members Atif Rasheed is a former president of student union of ABVP Satyawati College and contested the Delhi municipal election in 2021 on a BJP ticket and also served as the president of BJP Minority Morcha. Referring to other member Ra-

## SEPT 20 HEARING

julben L Desai, who is a member of National Commission for Women (NCW), Sibal said she was associated with Gujarat BJP Mahila Morcha and in 2017 was in charge of the Gujarat BJP Beti Bachao and Beti Padhao Project.

When the bench pointed out that a person may have a political past but he/she may no longer have such links, Sibal, said that they continue

to be associated with the political party.

The bench thereafter deferred the hearing and posted it to September 20 and asked the parties to file their written notes.

"It is submitted that inclusion of the aforesaid members in the Committee indeed gave rise to a reasonable likelihood of bias and vitiated the independence of the entire committee, especially given their admitted leadership position within the said Committee and their rank when compared to others in the Committee," the state said in its petition.

The state government approached the Supreme Court against a Calcutta High Court order directing a CBI probe into incidents of post poll violence in the state. The Bengal government had said that the CBI was acting at the behest of the Centre.



# Post-poll violence: Bengal govt. says NHRC panel biased

'Members either belong to BJP or are associated with it'

LEGAL CORRESPONDENT  
NEW DELHI

The West Bengal government on Monday accused a committee appointed by the National Human Rights Commission (NHRC) to look into "post-poll violence" in the State of "apparent bias".

The accusation was made by the State in the Supreme Court during the hearing of its appeal challenging a five-judge Bench judgment of the Calcutta High Court transferring the investigation of the cases, involving murder and rape, to the CBI. The High Court, on August 19, had directed the State to immediately pay compensation to the victims of the crime.

The High Court's judgment was based on the findings of the NHRC committee on July 12.



West Bengal argued that the members of the committee were either "members of the Bharatiya Janata Party or were closely associated" with it.

It named two members, Atif Rasheed and Rajulben L. Desai, in this regard. Senior advocate Kapil Sibal, for West Bengal, orally referred to another member, Rajiv Jain, during the hearing though the State's petition did not refer to him.

"Can you imagine these people have been appointed to collect the data? Is this a BJP investigation committee," Mr. Sibal asked the court.

But the Bench of Justices Vineet Saran and Aniruddha Bose asked whether a person's political past could be treated as conclusive proof of bias.

The court scheduled the case for further hearing on September 20.

"The inclusion of the aforesaid members in the committee indeed gave rise to a reasonable likelihood of bias and vitiated the independence of the entire committee, especially given their admitted leadership position within the committee and their rank when compared to others," the petition said.

# Sterlite case police firing ‘scar on democracy’: HC

TIMES NEWS NETWORK

**Chennai:** Asserting that the 2018 police firing on anti-Sterlite protestors in Tuticorin was a scar on the face of our democracy, the Madras high court said citizens should not be fired at the behest of any corporate house.

“Also, the state should consider a realistic quantum of compensation for either category, apart from others who suffered injuries,” the court said on certain measures suggested by the National Human Rights Commission (NHRC), including enhancing the compensation to the fam-

ilies of those who died and/or were injured. “If there is any indication that firing was resorted to on behalf of any corporate, it must be addressed,” the first bench of chief justice Sanjib Banerjee and justice P D Audikesavalu said on Monday. The court then directed the NHRC to report the steps taken to find a logical conclusion to the issue based on the report of its investigation division.

The directions were passed on a PIL moved by rights activist Henri Tiphagne seeking direction to the NHRC to reopen the probe and to furnish a report of the investigation.



# HC: Police firing on anti-Sterlite protesters a 'scar on democracy'

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Thirteen people were killed in the police firing on May 22, 2018.

"If there is any indication that firing was resorted to on behalf of any corporate, it must be addressed," the first bench of chief justice



The HC asked the TN government to consider a 'realistic quantum of compensation' for the deceased and the wounded

Sanjib Banerjee and justice P D Audikesavalu said on Monday. The court then directed the NHRC to report the steps taken to find a logical conclusion to the issue based on the report of its investigation division.

On the probe being conducted by the CBI, the HC said: "The matter should be brought to its logical end, as expeditiously as possible, to give a meaningful closure to it and the circumstances in which fi-

ring had to be resorted to against unarmed citizens must come out in the report." The state is requested to play the real parental role in providing counselling and psychiatric assistance to the members of the bereaved families, if necessary, the court added.

"The state must be seen to be with the families and not

an adversary, despite whatever may have happened. The state needs to walk the extra mile for such purpose..." the judges said.

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The court scheduled the case for further hearing on September 20.

"The inclusion of the aforesaid members in the committee indeed gave rise to a reasonable likelihood of bias and vitiated the independence of the entire committee, especially given their admitted leadership position within the committee and their rank when compared to others," the petition said.



# Citizens should not be fired on at behest of corporate houses: HC

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"Also, the state should consider a realistic quantum of compensation for either category, apart from others who suffered injuries," the court said, pointing out to certain measures suggested by the National Human Rights Commission (NHRC), including enhancing the compensation to the families of those who died and injured.

"If there is any slightest indication that firing was done on behalf of any corporate, it must be addressed," the first bench of Chief Justice Sanjib Banerjee and Justice P D Audikesavalu said on Monday. The court then directed the NHRC to report the steps taken to find a logical conclusion to the issue based on the report of its investigation division.

As to the probe being conducted by the CBI, the bench said: "The matter should be brought to its logical end, as expeditiously as possible, to give a meaningful closure to the mat-



Tuticorin firing is a scar on democracy, says the high court

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"The state must be seen to be with the families and not an adversary, despite whatever may have happened. The state needs to walk the extra mile for such purpose..." the judges said.

The court then adjourned the hearing to October 25 for the commission to file its report. The directions were passed on a PIL moved by rights activist Henri Tiphagne seeking direction to the NHRC to reopen the probe and to furnish a report of the investigation.



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## Set up mental health institutes, allocate more funds, Madras HC tells Centre

Observing that 47 government-run mental health hospitals are not sufficient for a country like India with a population of nearly 136 crore, Madras high court asked the Centre to establish more central mental health institutions like Nimhans at the earliest. It should also allocate more funds for mental health care as more people are suffering from mental illness. A division bench of justice N Kirubakaran (since retired after signing the order) and justice B Pugalendhi observed that the World Health Organization calls India the most depressed country in the world. Hence, it is the duty of the Centre along with all state governments to have a comprehensive action plan to identify patients with mental illness and provide appropriate treatment. A periodical survey should be conducted for this purpose, the court said. Since there is an acute shortage of psychiatrists and child psychiatrists in the country, the judges said all medical colleges should have a department of psychiatry with a postgraduate course. TNN

On the probe being conducted by the CBI, the bench said: "The matter should be brought to its logical end, as expeditiously as possible, to give a meaningful closure to it and the circumstances in which firing had to be resorted to against unarmed citizens must come out in the report." The state is requested to play the real parental role in providing counselling and psychiatric assistance to the members of the bereaved

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# Post-poll violence: Bengal govt. says NHRC panel biased

'Members either belong to BJP or are associated with it'

LEGAL CORRESPONDENT  
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The West Bengal government on Monday accused a committee appointed by the National Human Rights Commission (NHRC) to look into "post-poll violence" in the State of "apparent bias".

The accusation was made by the State in the Supreme Court during the hearing of its appeal challenging a five-judge Bench judgment of the Calcutta High Court transferring the investigation of the cases, involving murder and rape, to the CBI. The High Court, on August 19, had directed the State to immediately pay compensation to the victims of the crime.

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It named two members, Atif Rasheed and Rajulben L. Desai, in this regard. Senior advocate Kapil Sibal, for West Bengal, orally referred to another member, Rajiv Jain, during the hearing though the State's petition did not refer to him.

"Can you imagine these people have been appointed to collect the data? Is this a BJP investigation committee," Mr. Sibal asked the court.

But the Bench of Justices Vineet Saran and Aniruddha Bose asked whether a person's political past could be treated as conclusive proof of bias.

The court scheduled the case for further hearing on September 20.

"The inclusion of the aforesaid members in the committee indeed gave rise to a reasonable likelihood of bias and vitiated the independence of the entire committee, especially given their admitted leadership position within the committee and their rank when compared to others," the petition said.

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**POST-POLL VIOLENCE**


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## WB plea against HC order directing CBI probe to be heard on Sept 20

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**NEW DELHI:** The Supreme Court Monday said it would hear on September 20 the West Bengal government's appeal challenging the Calcutta High Court order directing court-monitored CBI probe into the heinous cases of rape and murder during the post-poll violence in the state after accepting the an NHRC panel's recommendations. A bench comprising Justices Vineet Saran and Aniruddha Bose deferred the matter to go through a chart submitted by the state government.

Senior advocate KapilSibal, appearing for the state government, pointed to the members of the committee that has been formed to investigate the incidents and said, "Can you imagine these people have been appointed to collect the data? Is this a BJP investigating committee my Lords?"

He further said that for cases like rape and murder there is the CBI and for other events, there is a Special Investigative

Team (SIT).

The apex court then observed, "If somebody had a political past and if he lands up in an official position by that very fact will we treat him to be biased?"

Sibal submitted that the members are still posting posts related to BJP and how can chairman of Human Rights Committee appoint such members? He sought some interim order in the meantime. The apex court then said that it would hear the case on September 20. "Nothing will happen. We'll have it on Monday," the bench said.

The state government in its special leave petition alleged that it did not expect fair and just investigation by the central agency which is busy foisting cases against the functionaries of ruling Trinamool Congress Party.

Earlier, lawyer AnindyaSundar Das, one of the PIL petitioners on whose plea the High Court August 19 verdict came, had filed a caveat in the apex

court urging that no order be passed without hearing him if the state or other litigant move appeals.

A five-judge bench of the High Court, headed by Acting Chief Justice Rajesh Bindal, had ordered a CBI investigation in all alleged cases of heinous crimes in West Bengal after the assembly poll results this year in which the ruling TMC came back to power.

As regards other criminal cases related to post-poll violence, the high court had directed that they be investigated by a Special Investigation Team under the monitoring of the court.

The high court bench, which also comprised justices I P Mukerji, Harish Tandon, Soumen Sen and SubrataTallukdar, had observed that there were "definite and proved" allegations that complaints of the victims of violence in the aftermath of the West Bengal assembly polls were not even registered.

MPOST



## बंगाल हिंसा

# सीबीआई जांच के खिलाफ अपील पर 20 को सुनवाई

नयी दिल्ली, 13 सितंबर (एजेंसी)

बंगाल में चुनाव बाद हुई हिंसा के दौरान बलात्कार और हत्या के मामलों की अदालत की निगरानी में सीबीआई जांच का निर्देश देने वाले कलकत्ता हाईकोर्ट के आदेश के खिलाफ पश्चिम बंगाल सरकार की अपील पर सुप्रीम कोर्ट 20 सितंबर को सुनवाई करेगा। सोमवार को जस्टिस विनीत सरन और जस्टिस अनिरुद्ध बोस की पीठ के समक्ष पश्चिम बंगाल सरकार की ओर से वरिष्ठ अधिवक्ता कपिल सिब्बल ने घटनाओं की जांच के लिए गठित मानवाधिकार समिति के सदस्यों पर सवाल उठाया। उन्होंने कहा, 'क्या आप कल्पना कर सकते हैं कि इन लोगों को आंकड़े एकत्र करने के लिए नियुक्त किया गया? क्या यह भाजपा की जांच समिति है?' सिब्बल ने अंतरिम आदेश का अनुरोध किया। लेकिन अदालत ने कहा कि 20 को सुनवाई होगी।

## SC TO HEAR GOVT PLEA AGAINST HC ORDER ON BENGAL POLL VIOLENCE

**Abraham Thomas**

letters@hindustantimes.com

**NEW DELHI:** The Supreme Court on Monday agreed to hear on September 20 the West Bengal government's plea against a Calcutta high court order directing court-monitored probe by the Central Bureau of Investigation into allegations of rape, murder and attempt to murder during the post-poll violence earlier this year.

The court's decision came after the Mamata Banerjee-led government cast aspersions on the members of the committee formed by the National Human Rights Commission (NHRC), on whose recommendations the high court ordered the probe.

Appearing for the state, senior advocate Kapil Sibal told a bench of justices Vineet Saran and Aniruddha Bose: "Look at the committee that gathered facts about the incidents and submitted a report to the high court. It was headed by Rajiv Jain who served as the Intelligence Bureau chief under the present government at the Centre till 2019. He was earlier joint director of IB when Prime Minister Narendra Modi served as Gujarat chief minister," Sibal said.

The state's counsel also alleged "bias" by two other members in the committee – Atif Rashid, vice chairman of National Minorities Commission and Rajulben Desai, a member of National Commission for Women.



## Sterlite firing is scar on democracy: Madras HC

ARUN JANARDHANAN  
CHENNAI, SEPTEMBER 13

THE FIRST Bench of the Madras High Court Monday directed the authorities concerned to drop all cases registered against protesters involved in the anti-Sterlite agitation, which had ended in police firing that killed 13 people in May 2018.

In oral observations, as reported by *PTI*, the Bench, including Chief Justice Sanjib Banerjee and Justice TS Sivagnanam, said the firing was a scar on Indian democracy and should not be forgotten.

Urging the State to ensure there was no repeat of such an incident, the Bench observed that while the protest might not have been legal or legitimate, citizens could not be fired at on behalf of a corporate body. In its order, the court asked the government to "go the extra mile" and "be seen to be with the families".

The court was hearing a PIL filed by social activist Henry Tiphagne over a report by the National Human Rights Commission (NHRC) on the police firing not being made public. At the August 9 hearing, the court had directed the NHRC to submit its report, and it did so on Monday.

"The matter should be brought to its logical end, as expeditiously as possible, to give a meaningful closure to the matter and the circumstances in

CONTINUED ON PAGE 4

### Sterlite firing

which firing had to be resorted to against unarmed citizens must come out in the report," the court said.

Going through the NHRC report, the court said: "Since the report did not see the light of day or may not have been forwarded to the State, the recommendations have not been implemented. To the extent that the recommendations remain relevant and it may be possible to implement the same, all agencies should carry the matter forward. Equally, as indicated in the affidavit filed by the NHRC, the cases against the protesters should be dropped and the institution of the cases should not stand in the way of the future prospects of any of the protesters (so as) to disqualify them from any employment or other opportunities that may be available."

The court noted that the NHRC had recommended greater compensation to families of those who died and to the persons severely injured or impaired for life. "The State should consider a realistic quantum of compensation for either category, apart from others who suffered injuries," the order said.

"The State is requested to play the real parental role in provid-

ing counselling and psychiatric assistance to the members of the bereaved families, if necessary. The State must be seen to be with the families and not an adversary, despite whatever may have happened. The State needs to walk the extra mile for such purpose and learned Advocate-General is requested to ensure that appropriate measures are taken to assuage the feelings of the families of the victims," the order said.

The matter will next be heard on October 25.

WITHPTIINPUTS

# NHRC panel had members with BJP ties: Bengal in SC

**AmitAnand.Choudhary**  
@timesgroup.com

**New Delhi:** Questioning the impartiality of the NHRC committee that inquired into complaints of post-poll violence in West Bengal, based on which the HC ordered a CBI probe, the state govt contended before the Supreme Court that some of its members are associated with BJP and it looked like a "BJP investigative committee".

At the outset of the brief hearing, senior advocate Kapil Sibal, appearing for the West Bengal government, told a bench of Justices Vineet Saran and Aniruddha Bose that the NHRC chairman should not have selected people with BJP links to be part of the committee. He said that the committee consisted of members who are either members of BJP or known to be closely associated with the party.

He said that one of the members Atif Rasheed is a former president of student union

of ABVP Satyawati College and contested the Delhi municipal election in 2021 on a BJP ticket and also served as the president of BJP Minority Morcha. Referring to other member Rajulben L Desai, who is a member of National Commission for Women (NCW), Sibal said she was associated with Gujarat BJP Mahila Morcha and in 2017 was in charge of the Gujarat BJP Beti Bachao and Beti Padhao Project.

When the bench pointed out that a person may have a political past but he/she may no longer have such links, Sibal, said that they continue to be associated with the party. The bench thereafter deferred the hearing and posted it to September 20 and asked the parties to file their written notes. "It is submitted that inclusion of the aforesaid members in the committee indeed gave rise to a reasonable likelihood of bias and vitiated the independence of the entire committee," the state said in its petition.



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ABVP Satyawati College and contested the Delhi municipal election in 2021 on a BJP ticket and also served as the president of BJP Minority Morcha. Referring to other member Rajulben L. Desai, who is a member of National Commission for Women (NCW), Sibal said she was associated with Gujarat BJP Mahila Morcha and in 2017 was in charge of the Gujarat BJP Beti Bachao and Beti Padhao Project.

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## SC to hear Bengal's plea against HC order on CBI probe into poll violence

<https://www.hindustantimes.com/india-news/sc-to-hear-bengal-s-plea-against-hc-order-on-cbi-probe-into-poll-violence-101631557771919.html>

The Supreme Court on Monday agreed to hear on September 20 the West Bengal government's plea against a Calcutta high court order directing court-monitored probe by the Central Bureau of Investigation into allegations of rape, murder and attempt to murder during the post-poll violence earlier this year.

The court's decision came after the Mamata Banerjee-led government cast aspersions on the members of the committee formed by the National Human Rights Commission (NHRC), on whose recommendations the high court ordered the probe.

Appearing for the state, senior advocate Kapil Sibal told a bench of justices Vineet Saran and Aniruddha Bose that the appeal raised questions on the procedure adopted by five-judge high court bench before directing a CBI probe, monitoring of remaining offences by special investigation team (SIT) and payment of compensation to the victims.

"Look at the committee that gathered facts about the incidents and submitted a report to the high court. It was headed by Rajiv Jain who served as the Intelligence Bureau chief under the present government at the Centre till 2019. He was earlier joint director of IB when Prime Minister Narendra Modi served as Gujarat chief minister," Sibal said.

The state's counsel also alleged "bias" by two other members in the committee – Atif Rashid, vice chairman of National Minorities Commission and Rajulben Desai, a member of National Commission for Women.

"Is this a BJP investigation committee," remarked Sibal, as he told the court, "Rashid served as president of BJP Minority Morcha, was a student leader of BJP's youth wing ABVP in Satyawati College and later contested the Delhi municipal elections in 2021 on a BJP ticket."

On Desai, Sibal said, "She was associated with Gujarat BJP Mahila Morcha in 2017 and was in charge of Gujarat BJP Beti Bachao and Beti Padhao project."

When the bench said "if somebody has held a political post in the past, can we say that he is still biased", Sibal pointed out that Rashid continues to make social media posts in favour of the BJP.

The court also sought to know if the Beti Bachao project to which Desai was linked was a party project or a state project. Stating that it was a party project, Sibal said: "From any objective standpoint, can you pick up such persons for investigating and picking facts, knowing the sensitivity attached to the case."



Raising questions over the procedure to collect inputs on the violence, Sibal said: "The procedure was left to the committee as the court did not lay down the procedure for collection of facts."

In the appeal, the state government further highlighted that the high court did not define what constituted "post poll violence", giving instances of cases reported by the committee which were prior to May 2 (date of announcement of election result) and later than July, almost two months after the result declaration.

"Never before has en masse, the police force in a state lost confidence in the court," Sibal said.

Though the decision of the high court bench was unanimous, the state government cited two contradictions on facts noted by one of the judges.

The state referred to justice Soumen Sen's remarks which said, "I felt that having regard to the antecedents of Rajulben Desai and Atif Rashid, the inclusion of the said two members could have been avoided as it might raise reasonable likelihood of bias."

Further, justice Sen had also said that post-poll violence must refer to incidents that occurred in the immediate aftermath of the election results.

The top court adjourned the matter to next week as one of the documents relied upon by state was not made available to the court in a reader-friendly format.

Sibal pressed for an earlier date, saying the CBI was proceeding ahead with the case. However, the top court said that by next week, it will have more time to go through the documents filed.

Pursuant to the direction by the high court on August 19, the CBI has initiated its probe and registered more than two dozen cases.

The Central Reserve Police Force (CRPF) has been asked to provide security to members of the four CBI teams, comprising seven members in each team.

A three-member SIT is probing cases of arson and loot under the court's supervision.

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When the bench pointed out that a person may have a political past but he/she may no longer have such links, Sibal, said that they continue to be associated with the political party.

The bench thereafter deferred the hearing and posted it to September 20

## HC rejects plea to urgently hear PIL against bypoll

**Kolkata:** The Calcutta high court has rejected a plea to urgently hear a PIL challenging the "constitutional exigency" of holding the Bhowanipore assembly bypoll, based on the chief secretary's letter to the Election Commission, reports **Subrata Chatteraj**. The court will take up the matter on September 20. The division bench of acting Chief Justice Rajesh Bindal and Justice Rajarshi Bharadwaj took the decision after advocate general Kishore Dutta said the poll process was under way and no court could interfere with it. He pointed out that holding of elections was the sole prerogative of the Election Commission.

The petitioner's counsel, Bikash Bhattacharya, contested the claim, saying there was no exigency other than "personal" for holding the bypoll. According to petitioner Sayan Banerjee, the only "priority" of holding a bypoll amid the pandemic was to benefit a CM who wasn't elected to the assembly. He also questioned the EC's logic of allowing a bypoll on Mamata Banerjee's home turf even as it postponed elections elsewhere.

and asked the parties to file their written notes.

"It is submitted that inclusion of the aforesaid members in the Committee indeed gave rise to a reasonable likelihood of bias and vitiated the independence of the entire committee, especially given their admitted leadership position within the said Committee and their rank when compared to others in the Committee," the state said in its petition.



# CBI must probe reasons for Thoothukudi firing: HC

‘The matter should be brought to its logical end as expeditiously as possible’

**MOHAMED IMRANULLAH S.**  
CHENNAI

The Madras High Court on Monday stressed the need for Central Bureau of Investigation (CBI) to find out the circumstances under which the police fired at unarmed anti-Sterlite protesters in Thoothukudi on May 22, 2018, and killed 13 of them.

Lamenting the delay, the court said the matter should be brought to its logical end

as expeditiously as possible. Chief Justice Sanjib Banerjee and Justice T.S. Sivagnanam made the observations in an interim order passed on a writ petition filed by Henri Tiphagne, executive director of People’s Watch, a human rights organisation of Madurai.

The litigant had complained of the National Human Rights Commission (NHRC) not having taken

any serious action and having closed the inquiry in October 2018 itself.

The Chief Justice said the incident appeared to have really gone out of the public mind due to the delay though as many as 13 innocent lives were lost, and several others injured in the police firing.

He said even if there was the slightest of indication that the firing was on behalf

of any corporate body, the issue must be addressed immediately so that such incidents do not recur.

## **NHRC recommendation**

After perusing the NHRC’s report filed in a sealed cover, the judges said the commission had recommended enhancement of compensation to the families of the deceased as well as those who had suffered injuries.

# Post-poll violence: Bengal govt. says NHRC panel biased

'Members either belong to BJP or are associated with it'

**LEGAL CORRESPONDENT**  
NEW DELHI

The West Bengal government on Monday accused a committee appointed by the National Human Rights Commission (NHRC) to look into "post-poll violence" in the State of "apparent bias".

The accusation was made by the State in the Supreme Court during the hearing of its appeal challenging a five-judge Bench judgment of the Calcutta High Court transferring the investigation of the cases, involving murder and rape, to the CBI. The High Court, on August 19, had directed the State to immediately pay compensation to the victims of the crime.

The High Court's judgment was based on the findings of the NHRC committee on July 12.



West Bengal argued that the members of the committee were either "members of the Bharatiya Janata Party or were closely associated" with it.

It named two members, Atif Rasheed and Rajulben L. Desai, in this regard. Senior advocate Kapil Sibal, for West Bengal, orally referred to another member, Rajiv Jain, during the hearing though the State's petition did not refer to him.

"Can you imagine these people have been appointed to collect the data? Is this a BJP investigation committee," Mr. Sibal asked the court.

But the Bench of Justices Vineet Saran and Aniruddha Bose asked whether a person's political past could be treated as conclusive proof of bias.

The court scheduled the case for further hearing on September 20.

"The inclusion of the aforesaid members in the committee indeed gave rise to a reasonable likelihood of bias and vitiated the independence of the entire committee, especially given their admitted leadership position within the committee and their rank when compared to others," the petition said.



## SC TO HEAR GOVT PLEA AGAINST HC ORDER ON BENGAL POLL VIOLENCE

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**Abraham Thomas**

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**NEW DELHI:** The Supreme Court on Monday agreed to hear on September 20 the West Bengal government's plea against a Calcutta high court order directing court-monitored probe by the Central Bureau of Investigation into allegations of rape, murder and attempt to murder during the post-poll violence earlier this year.

The court's decision came after the Mamata Banerjee-led government cast aspersions on the members of the committee formed by the National Human Rights Commission (NHRC), on whose recommendations the high court ordered the probe.

Appearing for the state, senior advocate Kapil Sibal told a bench of justices Vineet Saran and Aniruddha Bose: "Look at the committee that gathered facts about the incidents and submitted a report to the high court. It was headed by Rajiv Jain who served as the Intelligence Bureau chief under the present government at the Centre till 2019. He was earlier joint director of IB when Prime Minister Narendra Modi served as Gujarat chief minister," Sibal said.

The state's counsel also alleged "bias" by two other members in the committee – Atif Rashid, vice chairman of National Minorities Commission and Rajulben Desai, a member of National Commission for Women.