

G'jam custody death: PIL in HC for CBI probe

<https://www.dailypioneer.com/2021/state-editions/g---jam-custody-death--pil-in-hc-for-cbi-probe.html>

Bharatiya Bikash Parisad State president Surendra Panigrahi has filed a public interest litigation (PIL) in the Orissa High Court for its intervention for a CBI inquiry into the death of a detainee at the Golanthara police station under the Brahmapur police district in Ganjam district on April 3.

Panigrahi stated that Ganesh Dakua's death was not due to suicide as claimed by police. Under pressure from the Rangeilunda Panchayat Samiti and a ruling party youth leader, the Golanthara police tortured and killed the young man of Rangipur village. Panigrahi also urged the court to take action against the Golanthara police and the youth leader for allegedly harassing Dakua.

He alleged that the youth leader's supporters had thrashed Dakua before he was picked up from the village by the police. When the police shifted Dakua to the hospital and when his mother and wife went there they did not allow them to meet him.

But when his postmortem was conducted, they said that Dakua had committed suicide in the police station by hanging himself with his belt. Panigrahi alleged that the senior police officials investigating into the case are not conducting proper investigations as an influential ruling party leader is involved in the case.

So, only a CBI inquiry can unearth the truth and provide justice to the victim's family.

Panigrahi has also demanded the National Human Rights Commission that the elderly mother of Dakua and his wife should be paid compensation for their sustenance, as they have lost the sole earning member of the family.

Rehabilitate Koraput projects-hit: NHRC to CS

<https://www.dailypioneer.com/2021/state-editions/rehabilitate-koraput-projects-hit--nhrc-to-cs.html>

The National Human Rights Commission (NHRC) has directed to the Chief Secretary of Odisha to take appropriate measures to compensate, rehabilitate and resettle land oustees in various projects in Koraput district. The direction came in response to a petition filed by rights activist and Supreme Court lawyer Radhakanta Tripathy. In his petition, Tripathy mentioned that, Koraput district is worst affected in the country as more than 50 per cent of the district is affected due to various projects like Machhkund , Nalco, HAL, UKHEP and Kolab, executed in the district causing large scale internal displacement and consequent problems.

The displaced masses basically are deprived of land rights, Tripathyalleged. Most of the victims belong to poor ST and SC communities.

A proper survey has not been conducted by the Government, citing petty reasons like lack of staff. Thousands of victims suffer due to lack of livelihood and bare necessities of life which has been creating serious human rights problems and forcing them to die without remedies.

At times the victims are denied caste certificates or issued ambiguous certificates to the victims, Tripathy said. In pursuant to the complaint, the District Magistrate of Koraput informed the commission that, many steps were taken for rehabilitation of the persons displaced due to Machhkund project, Nalco, HAL, Sunabeda and UKHEP, Kolab project. However, challenging the report, Tripathy stated it as contrary to the ground realities.

Considering the gravity of the issue, the NHRC directed to investigate the issues through its Special Rapporteur so as to know the ground realities and steps taken by State functionaries to address the grievances so far.

Tripathy requested the NHRC to verify the MoUs signed by the HAL and Nalco with the Government of Odisha and the real implementation status in terms of human rights, RoR, rehabilitation, livelihood and details of RPDAC meetings. The petition also urged the NHRC to ensure potable drinking water, right to food under NFSA, primary education and healthcare facilities in the area and time bound implementation of the recommendation of the Commission with tangible impact and submit the details with documentary evidence before the Commission on quarterly basis.

The Commission asked the Special Rapporteur of Eastern Zone Dr Vinod Agrawal to inquire the matter thoroughly and submit the report to the Commission within 8 weeks.

However, due to the Corona pandemic the investigation could not take place. Finally the Commission directed the Chief Secretary to look into the grievances of the projects-affected persons sincerely and take appropriate remedial action as soon as possible.

West Bengal: MHA grants BJP MLAs X, Y category security in view of post-poll violence

<https://www.republicworld.com/india-news/politics/west-bengal-mha-grants-bjp-mlas-x-y-category-security-in-view-of-post-poll-violence.html>

After the post-poll violence in West Bengal, the Ministry of Home Affairs (MHA) on Monday granted security to all BJP MLAs in the state. The decision to grant security came after the Security Review Committee submitted a report in which it cited real security threat to the lives of the MLAs.

As per sources, of the 77 MLAs, 61 have been granted X-category security while 4 have been granted Y-category security. Others like Mukul Roy and Suvendu Adhikari had security right from the time of elections.

MHA sends a 4-member team to look into the post-poll violence

The MHA on Thursday had also sent a 4-member team to look into the post-poll violence in West Bengal, which submitted its report within 48 hours as was instructed. The team came to the state hours after the MHA dialed West Bengal Chief Secretary for a report on the disorder and warned to take the matter seriously if a report was not furnished immediately. The Home Ministry had first sought a report from the Mamata Banerjee-led government on May 3 after incidents of attacks on workers of the opposition parties began surfacing.

Post-poll violence in West Bengal

After the Trinamool Congress recorded a landslide victory in West Bengal, political violence gripped the state. Reports of homes of party workers being torched and violence were reported from all parts of the state.

As Mamata Banerjee took oath as the Chief Minister for her third consecutive term, the BJP boycotted her swearing-in ceremony taking an oath against 'politics of hate' instead. Gathering at the Hastings Election office, BJP MLAs along with party president JP Nadda assured that the saffron party will 'dismantle' political violence in the state.

Several human rights bodies such as the National Human Rights Commission (NHRC), the National Commission for Protection of Child Rights (NCPCR), and the National Commission for Women (NCW) have also raised concerns over the violence in the state.

Solve issues of people affected by projects in Koraput: NHRC

<https://www.orissapost.com/solve-issues-of-people-affected-by-projects-in-koraput-nhrc/>

The National Human Rights Commission (NHRC) has directed the Chief Secretary to take appropriate measures in order to compensate, rehabilitate and resettle people affected by various projects in Koraput district. The direction came in response to a petition led by rights activist Radhakanta Tripathy. The displaced people, he said, have been deprived of land rights. Most of the victims, the petitioner said belonged to poor ST and SC communities. Tripathy also alleged that proper survey has not been conducted by the government citing petty reasons like lack of staff. Thousands of victims suffer due to lack of livelihood, bare necessities of life leading to serious human rights issues and being forced to die without remedies. In pursuant to the complaint, the District Magistrate of Koraput informed the rights body that many steps were taken for rehabilitation of the persons displaced due to several projects, including Machkund, NALCO, HAL, UKHEP and Kolab. Challenging the report submitted by the state authorities, Tripathy said that the report is contrary to the ground realities. Considering the gravity of the issue as highlighted by Tripathy, the NHRC directed to investigate the issues through its Special Rapporteur so as to know the ground realities and steps taken by state functionaries to address the grievances so far. Tripathy stated that he has personally visited some areas where the affected people have been languishing while deprived of their legitimate rights in many projects, including Upper Kolab. The petition also urged the NHRC to ensure potable drinking water, Right to Food under NFSA, primary education and healthcare facilities in the area and time bound implementation of the recommendation of the commission with tangible impact and submit the details with documentary evidence before the commission on quarterly basis. The commission asked the Special Rapporteur of Eastern Zone, Vinod Agrawal, to enquire the matter thoroughly and submit the report to the commission within eight weeks. However, due to the ongoing pandemic, the investigation could not be carried out and nally the commission directed the Chief Secretary to look into the grievances of the affected persons sincerely and take appropriate remedial measures at the earliest.

No pol violence in WB since May 9 : WB govt to Cal HC

<https://www.outlookindia.com/newsscroll/no-pol-violence-in-wb-since-may-9--wb-govt-to-cal-hc/2080781>

The West Bengal government on Monday told a Calcutta High Court bench that there has been no post poll political violence in the state since May 9 and assured that all steps will be taken to ensure peace in future.

The five-judge bench directed that all steps be taken in this regard by May 17 and posted the PIL for hearing on May 18.

The PIL filed by lawyer petitioner Anindya Sundar Das raised the issue of violence taking place in various parts of the state after the state assembly elections in which the Trinamool Congress trounced BJP.

Appearing for the West Bengal government, Advocate General Kishore Dutta submitted before the court that no violence has been reported in the state from May 9 onwards. He assured the court that all possible steps will be taken by the state government so that there is no violence in the future as well. Additional Solicitor General of India Y J Dastoor appearing for the central government submitted that the issue regarding post-poll violence was highlighted not by one political party, but by all of them. He claimed that in a number of cases the complaints were not registered by the police stations concerned when approached and that there is no online mechanism available in West Bengal where a police complaint can be filed. He said that number of complaints on post poll violence in the state have been received by the National Human Rights Commission, West Bengal Human Rights Commission, the National Commission for Women and National Commission for Scheduled Castes and Scheduled Tribes. Dutta argued that the allegation by the additional solicitor general that the complaints filed to the police were not entertained, is false.

He said that he would seek instructions from the state government regarding availability of online mechanism for filing of complaints by any aggrieved person. The advocate general filed an affidavit before the court apprising it of the latest law and order situation in the state as per its earlier direction. A division bench comprising Acting Chief Justice Rajesh Bindal and Justice Arijit Banerjee on Friday had referred the PIL to the five-judge bench, which was constituted considering the importance of the complaint that life and liberty of the people in West Bengal is at stake. The five-judge bench comprises of Justices I P Mukerji, Harish Tandon, Soumen Sen and Subrata Talukdar, besides Justice Rajesh Bindal. The PIL has claimed that life and liberty of the people are in danger due to the alleged inaction by the police. PTI AMR KK KK

Calcutta high court 'appreciates' state efforts to check violence

<https://timesofindia.indiatimes.com/city/kolkata/cal-hc-appreciates-state-efforts-to-check-violence/articleshow/82536594.cms>

The Calcutta High Court five-judge bench on Monday “appreciated” the Bengal government’s efforts to stem post-poll violence and said, after being informed that no violence had been reported since Sunday, that it should “keep up” its work. Fault-finding could be done later, acting Chief Justice Rajesh Bindal observed, adding that both the state and the central governments should work together to maintain peace now that a new state government was in place. The court, comprising Acting CJ Bindal and justices IP Mukerji, Harish Tandon, Soumen Sen and Subrata Talukdar, also sought the Centre’s response to the state government affidavit and will hear the case again on May 18. The state home secretary’s report to the HC on post-poll violence said there were 15 “violent incidents”, leading to 16 deaths, till May 3, an official said. There were six political clashes but no death on May 5, the day the new government was sworn in. There was no death on May 6 and May 7 and, on May 8, there was one death in Birbhum’s Khairasol. There was no incident since Sunday, according to the state government. Cops had arrested 400 people, including 72 for crimes like murder and arson, and 34 FIRs had been drawn up against fake news (five of them in Kolkata). State advocate-general Kishore Dutta assured the court that all possible steps would be taken to pre-empt violence. Additional solicitor-general YJ Dastoor, however, told the court that it was not just one party highlighting “post-poll violence”; all parties that fought the poll had made similar allegations, which was borne out by the state affidavit. Complaints were not registered by police stations in several cases, Dastoor said, but Dutta disputed this as false. The National Human Rights Commission, the West Bengal Human Rights Commission and the National Commission for Women and the National Commission for Scheduled Castes and Scheduled Tribes, too, had received numerous complaints, Dastoor said, demanding that a special investigation team led by a retired director-general of police be set up. All such complaints could be forwarded to the state DGP “to enable him to transfer the cases to police stations for appropriate action”, the bench said.

Mohan Guruswamy | Check India's corruption, or insurgencies will go up

<https://www.asianage.com/opinion/columnists/100521/mohan-guruswamy-check-indias-corruption-or-insurgencies-will-go-up.html>

Corruption is India's favourite conversation topic. We love discussing it and bemoan its all-pervasiveness. Whenever two or more Indians meet, the conversation inevitably moves to corruption. Sometimes I wonder what we would say to each other if there were no corruption to talk about? We are all near experts at it and have all experienced it in one way or another and at all levels. Yet, with so much collective experience, it is an elusive topic to write about. Like our gods, it takes so many myriad forms. It defies a simple definition. But we all know what it is.

Economists prefer to bandy about a different term when referring to corruption. They call it "economic rent". According to the International Monetary Fund, "it is the extra amount paid (over what would have been paid for the best alternative use) to somebody or for something useful whose supply is limited either by nature or through human ingenuity". Quite clearly, this definition excludes the moral dimension. But then our problems get even more compounded when we realise that morality itself is very elastic and varies depending on time, place and context.

Economic rent takes other forms, which tax the common good much more. High import duties, for instance, meant to restrain imports, actually serve to increase prices and profits for domestic manufacturers. Did you notice how all car tyres or batteries cost about the same? Or how all similar-sized airconditioners and refrigerators cost about the same? Or, till recently, how all air tickets cost the same and an arm and a leg at the same time? Adam Smith explained it best by noting that: "People of the same trade seldom meet together, even for merriment and diversion, but the conversation ends in a conspiracy against the public."

Opinion polls show that there are some professions that are believed to be entirely corrupted. Politicians and policemen top this list. Much of the corruption we see in everyday life is a result of their unnecessary exertions. Some years back I had the opportunity every morning to contemplate a vacant plot of land in the Gurgaon neighbourhood I lived in. Roads bound the plot on all four sides and naturally people walking take a short cut across it. Some soul with a penchant for orderliness has taken upon him to put an end to this practice. First a sign came up demanding that people not do the most rational thing, which is taking a short cut. The sign was ignored, and my dog Charlie has been using the signpost to leave his signature. Then a small length of barbed wire pegged between two poles appeared astride the path at both ends. The people who use the path still find it convenient to go around the poles and take the not-so-short shortcut. Good old Charlie just slips under the wire and seems quite happy that he has two more poles to leave his daily markers on.

The nature of most of our lawmaking is just like this. They are irrational and people will respond rationally to them, by circumventing them if not completely ignoring them. Now the only way that plot can be prevented from being used as a short cut is to build on it. If

the empty plot is just walled up, the walls will encourage another use, which will be odious to boot. Laws that conflict with common sense just do not work. Which brings me to another aspect. We have laws that prohibit urinating in public and on walls, private and public. Urinating is meant to be a private business. But where are people to urinate when you just don't have enough urinals? Therefore, a law against urinating in public makes sense only when you have enough public urinals.

Thoughtless laws corrode a state thoroughly. This is why states built around tight regulation and appeals to a higher human ideal always fail. Corruption is all-pervasive and a worldwide phenomenon. It comes built in with nature. Animals steal food from each other just as humans extort from others. But human beings live in organised societies and societies are simply systems based on laws. For laws to work, it must be clear that if caught, the trial will be swift, and if found guilty the retribution will be commensurate.

That's where we have serious problems. Who makes the law? Politicians. Who enforces the laws? The police. Both are believed to be overwhelmingly corrupt. And can we expect anything better from the courts? Corruption in the judiciary and the need to uproot it were intermittently discussed in the past few years. Judges themselves have provoked these discussions. Former Calcutta high court judge Soumitra Sen became the first judge in the country to be impeached by the Rajya Sabha for misappropriation of funds in 2011. P.D. Dinakaran, the former chief justice of the Sikkim high court, had to resign in July 2011 in the wake of graft allegations. The next year, former CJI and NHRC chief K.G. Balakrishnan faced allegations that his family members had amassed wealth disproportionate to their known sources of income.

In 2003, the CBI arrested Shamit Mukherjee, a former Delhi high court judge, for his alleged involvement in a land scam. In 2008 the Punjab and Haryana high court was rocked by a different type of controversy after a bag containing Rs 15 lakhs was delivered at the residence of Justice Nirmaljit Kaur on August 13, 2008. The money was allegedly meant for another judge, Nirmal Yadav. Justice Yadav, who had to quit later, is still facing trial. The judicial process seems to be working for her, as it works for most of the well connected by lingering endlessly.

A just and relatively honest society requires a system that inflicts swift and commensurate retribution on transgressors. It is apparent that we quite clearly do not have that and will not have in the foreseeable future. The only way we can get that for ourselves is a vigilant media that relentlessly probes, investigates and informs the public. The fellows who still call the shots in our media businesses are the ones who have turned a calling into a business, like the fellows who got themselves farmhouses in Mehrauli. That then leaves the people to fend for themselves. Which is what they are doing in many parts of the country that are increasingly being gripped by insurgencies.