

Human Rights News

NewsClick

What Case Against Teesta Setalvad Means for Protest in India

<https://www.newsclick.in/what-case-against-teesta-setalvad-means-protest-india>

The Supreme Court is hearing renowned activist Teesta Setalvad's application for interim bail. Gujarat Police arrested her on 25 June, a day after the Supreme Court's veiled but critical observations in 2002 Gujarat riot victim Zakia Jafri's case that all involved in the "abuse of process need to be...proceeded against in accordance with law". The key allegation of the police against Teesta is that she conspired to implicate powerful people, including then Gujarat chief minister Narendra Modi, in the riot-related investigations.

It is impossible to pre-judge today's ruling, but how the case against Teesta proceeds is highly relevant to the culture of protest in India. Her arrest conveys to those who charge powerful executive figures with the wrongdoing that they could end up in the dock like her.

"What wrong did Zakia or Teesta do? They have only complied with the Supreme Court's directions since 2012," says Anand Yagnik, Gujarat High Court advocate and activist. "The court said Zakia could file a protest petition if she disagreed with the closure report of the Special Investigative Team (SIT) examining the riots. Where is the mala fide? It is the Supreme Court which pursued the 2002 riot cases and appointed an amicus curiae, whom Teesta assisted," he says. "Can anybody show me one piece of evidence in the SIT report supporting an ulterior motive on Teesta's part? Actually, the political dispensation is undemocratic, and she is a victim of witch-hunting," says Yagnik.

In 2012, the Supreme Court directed Zakia that she could file a protest petition if she disagreed with the findings of the SIT appointed by it to examine allegations of a larger conspiracy behind the 2002 riots. The SIT report had found no prosecutable evidence against Modi and 63 others, including senior government officials. Zakia did file such a petition, in 2013, in a metropolitan court in Gujarat. The court rejected it and accepted the SIT's findings. She approached the High Court next, which also accepted the SIT report. In 2018, she approached the Supreme Court, and it is this case which had a final hearing on 24 June.

Those who are demanding justice for Teesta also see the case against her as a signal to civil society and opposition political outfits to join hands or the ruling Bharatiya Janata Party (BJP) will continue to unleash its spree of arrests. "Previous governments were oppressive too, especially during Emergency, but not a shade on what is happening now. Civil society is the only space still proposing alternative ideas to the state's notions, and hence is under attack," says human rights activist Ravi Nair. Earlier this

year, Medha Patkar was charged with misusing funds, and Stan Swamy died in prison last year. "To stop such occurrences, parties must leave differences aside and join hands with each other and civil society," he says.

Many cannot help recalling two contrasting recent arrests, of film-maker Avinash Das and AltNews co-founder Mohammad Zubair, both picked up for their tweets. Delhi Police arrested Zubair on 27 June, two days after Teesta, and a court granted him bail after 23 days. Das, arrested on July 20, got bail from an Ahmedabad court the next day. But Thursday marks Teesta's 69th day in jail.

For poet-activist Shamsul Islam, people have realised that the fight for justice and against communalism cannot be won "through symbolic protests and demonstrations". He recalls that just last year, India watched as the powerful peasant unions of Punjab raised a massive movement that forced the Centre to repeal its three controversial farm laws. But while the farm movement succeeded, there was hardly any outrage over Teesta's arrest.

Is Teesta in trouble because her work not only challenges Hindutva but Prime Minister Narendra Modi? After all, she helped victims of the 2002 Gujarat riots secure justice, and Hindutva is the BJP's ideology, which has ruled at the Centre since 2014 and in Gujarat since 2002. "Indeed, communalism is a different kind of animal," says Parminder Singh, state secretary of the AFDR or Association for Democratic Reforms in Punjab. "But once there is a mass movement, it becomes difficult for the state to act against it. And when the police know people back something, it becomes difficult for them to suppress it," he says.

The movement of Punjab's farmers also did not spring up overnight. It took decades to reach the point where its democratic and anti-communal outlook became the norm rather than the exception among Punjab's peasantry and youth. The result is that journalist Rana Ayyub's book, *Gujarat Files*, became immediately available in Punjabi and gained a wide readership. It also explains why, in late 2020, 80,000 people of all faiths protested at Malerkotla, Punjab's sole Muslim-majority district, against the CAA, NRC and NPR. People from Punjab participated in the Shaheen Bagh protests as well. "Such protests should be repeated, and different organisations and people must come forward for Teesta and others," says Singh.

Recently, the importance of wider democratic movements hit home again when the Centre's Agnipath scheme suddenly curtailed military recruitments to four-year terms. Once the young aspirants' protests turned violent, without a democratic leadership, the Centre could push them back easily.

Propaganda and polarising politics also undercut solidarity, and there is plenty of it against Teesta and others who believe in democratic rights. For example, it has been spread in Gujarat that Teesta was close to the Congress party, and they worked in concert on 2002 riots cases. For two months, this argument of Gujarat Police has

followed Teesta's bail applications, from the sessions court to the High Court and the Supreme Court.

Shamsul echoes the concern: "Teesta's problem is she spoke about not Muslims but Hindus and Muslims. Such solidarity would end the politics of Muslim-Hindu polarisation," he says, adding, "She was actively engaged with minorities' concerns in Assam. She fought Muslim fundamentalism as much as Hindu. The state wants to stop her from doing these things,

Rights activists have always warned that voting is crucial to national life but does not guarantee the state's neutrality or responsiveness to public demands. Mukul Sinha, who died in 2014, contested from Muslim-majority Shahpur in Ahmedabad but got hardly any votes though he spent his life fighting for minority rights. Manipur's Irom Sharmila went on a 16-year hunger strike against the Armed Forces Special Powers Act but secured just 90 votes in the 2017 Assembly election.

That is why it is crucial for democratic-minded people across India to organise against the Hindutva onslaught and raise the material demands of people. For now, all eyes are on Teesta's bail hearing in the Supreme Court and what twists and turns to expect in the investigation into the allegations against her

The News Minute

'Should not have let her go', Telangana man whose wife died in govt sterilisation camp

<https://www.thenewsminute.com/article/should-not-have-let-her-go-telangana-man-whose-wife-died-govt-sterilisation-camp-167448>

Twenty-two-year-old Sushma and her husband Eshwar lived in Ibrahimpatnam with their two children – a four-and-half-year-old boy and a two-and-half-year-old-girl. Recently, the couple decided to go for family planning. They found out that on August 25, sterilisation services would be provided at a nearby government hospital. Sushma was among 34 women who underwent the Double Puncture Laparoscopy (DPL) procedure for sterilisation that day, at the state-run Community Health Centre (CHC) in Ibrahimpatnam in Telangana's Ranga Reddy district. The couple believed it would be a simple outpatient procedure but it turned fatal as Sushma became one of the four victims who lost their lives to alleged negligence.

"I should not have let her go there. I unnecessarily sent her and it took her life. We never thought this would happen," laments Eshwar. According to Eshwar, Sushma felt uneasy after the procedure, but they believed it was normal. However, after they reached home, she began to complain of body pain and diarrhoea. The next morning, on August 26, Eshwar took her to the Nizam's Institute Of Medical Sciences (NIMS) hospital in Hyderabad. "There the doctors said her blood pressure was falling, and she died the next day," Eshwar Mailaram told TNM, unable to hold back his tears.

The Telangana State Human Rights Commission (SHRC) has now issued a notice to Rangareddy district Collector seeking a report on the circumstances that led to the deaths of the four women. All the four women hail from families of vulnerable sections from the villages in Ibrahimpatnam, Manchal mandals. According to officials, around 30 other women went through the same sterilisation procedure at the same camp on August 25. Around 17 women are being treated at NIMS while 13 are being treated at Apollo Hospitals in Hyderabad.

State Health Minister Harish Rao, who took stock of the situation on Wednesday, said that an "infection" was found to be the cause of death. The minister also visited women who are being treated at the NIMS. A compensation of Rs 5 lakh has been given to the families of four deceased women.

According to district health officials, 34 DPLs were performed at the CHC on August 25, following which some of them complained of acute gastroenteritis. Many have pointed out that it seems like the health centre wanted to achieve a target and therefore slotted all the procedures on a single day. Over the last week, four women between the age of 22 and 32 died while undergoing treatment.

An expert committee headed by the state Director of Public Health Dr G Srinivasa Rao is inquiring into the matter. District Medical and Health Officer (DMHO) Dr Swarajaya Laxmi, speaking to TNM, said "We are monitoring the condition of women who are

under treatment continuously and all of them are stable. Few of them have complained about wounds and this is being addressed.”

Dr Laxmi said they are yet to get the complete reports of all four cases of death but as per the primary information infection could have been the cause of deaths.

When asked about the SHRC notices following allegations of lapses in the DPL procedure, she said: “We will give the response shortly. At the moment we are working towards stabilising the situation.”

Dr Sridhar, the superintendent incharge of the hospital has been placed under suspension by the authorities. However, some reports said the action was taken against the wrong person instead of the doctors who performed DPLs. Responding to this the DMHO said: “Being the Superintendent of the CHC he was supposed to follow the protocol to avoid infections. He was suspended for failing to ensure the safety measures. The licence of the doctor who performed DPLs has also been cancelled.”

It was alleged that not sterilising the DPL equipment properly could have led to infection. DPH has also said that they’re looking into the allegations of performing DPLs beyond the permitted number within the span of hours.

Dr Sandeep Singh Yadav, National Secretary, Indian Medical Association (IMA), expressed concern over the manner in which DPLs were conducted. “There should be at least 45 minutes of break between each DPL surgery if it is being done by a single doctor. The equipment sets need to be put in cidex antiseptic solution after each surgery for at least 15 minutes. There was no need for conducting that many surgeries in a single day,” said Dr Yadav.

Dr Yadav also said that the DPLs should be conducted by adhering to safety measures. Women patients also need counselling, he said. “Conducting DPLs merely for numbers and for the sake of monetary schemes without considering the age of the women would result in complications. Higher authorities should be more vigilant on the DPL camps,” he said.

Samples collected from the deceased women have been sent to the Forensic Science Laboratory (FSL) for chemical analysis to ascertain the exact reason that led to the deaths of women.

TNM reached out for a response from District Collector Rangareddy over lapses in the ambitious DPL programme conducted. The story would be updated once the response is received.

Firstpost

Lost but never found: What happened to the 2000 girls Hasan Ali trafficked in 10 years for Rs35,000 each

<https://www.firstpost.com/tech/india/lost-but-never-found-what-happened-to-the-2000-girls-hasan-ali-trafficked-in-10-years-for-rs35000-each-11163271.html>

For the last 10 years, SK Hasan Ali has been providing housemaids to tony localities of Delhi-NCR. He has placed some 2,000 girls of all ages through his Delhi Raja Placement Agency, which he runs from Malviya Nagar.

But, the 44-year-old has turned out to be, perhaps, the most prolific human trafficker to be nabbed by the Delhi Police in recent history. Police on 28 August busted Ali's interstate human trafficking ring, rescuing seven women, including six minors, when his agency office and house in Ambedkar Nagar were raided.

Four arrests were made, including Ali, while one associate is on the run.

Beginning of end for Ali

Ali's unravelling began when Qamar Sek, a resident of West Bengal's Jibantala, filed a complaint that his daughter had gone missing in December 2021. He was nine years too late.

Qamar Sek told a court that in 2012 he had given his minor girl to a couple from Khejurtala area as the latter had promised the father-daughter duo jobs as house-help in New Delhi. They had also promised that she could visit her parents back home every year.

However, the girl never returned.

The father never went to the police since he thought the police would arrest him for forcing his minor girl to work. Guilt-ridden Qamar could take no more; he took nine years to whack up the ginger to start looking for his daughter.

Qamar approached the couple he had given his girl to. Atiar Molla and Modina Molla told the distraught father that his daughter now lived at Hasan Ali's shelter in Delhi. Qamar took a train to Delhi.

Hasan Ali's agency turned down all of Qamar's queries about his daughter. Sensing foul-play, Qamar said in his complaint that he was convinced that his daughter had been sold.

Consequently, Qamar decided to approach the police, and with the help of a lawyer in Delhi, filed a complaint under section 156(3) CRPC which allows court to directly instruct police to register an FIR.

The Delhi court after hearing his complaint directed the local police in Jibantala police station to file an FIR under sections 363/365/366A/367/506 against Hasan Ali and the

couple, following which the police launched a missing persons probe to locate Qamar's daughter.

Ali's registry of crimes

Virendra Singh, director of the Mission Mukti foundation, a non-profit that is dedicated to rescuing hapless women and minors from near-impossible situations, said WB police contacted him for co-operation. He said the police also involved officials of Childline and World Vision in the investigation.

The National Commission for Protection of Child Rights (NCPCR) was also seized of the matter and instructed Delhi Police to cooperate.

"Our first job was to catch the couple who had sent the girl to Delhi. They told us that a man called Mantu gives them Rs 5000 for every minor girl they supply. He then takes these girls to Hasan Ali's shelter in Delhi," Singh said, adding the couple agreed to become state approvers and identify Mantu.

Cops from West Bengal arrested the couple on 21 August, 2022, on charges of human trafficking and criminal conspiracy, and got 10-day remand from court.

The police raided Ali's agency as well as house and retrieved a register containing all records of women trafficked so far.

The register was mind-boggling! The police realised that Ali had trafficked nearly 2000 girls from different parts of the country, sourcing 250 alone from Qamar's village in Jibantala, West Bengal.

Subsequently, the police have been successful in tracking just seven of the 2000 girls Ali has trafficked so far.

"Out of the seven girls that we recovered, six were minors, all of them had been employed in the past less than one year," Singh said. "The girls, it has been found, were told to stay permanently with the employers, eligible for salary only after spending a certain period on the job, ranging from a year onwards," he added.

Meanwhile, as Ali was arrested from Malviya Nagar. "He confessed to the crime. He said he has bought/brought several girls, including Qamar's daughter, from different parts of the country for agency as well as others and that he got paid around 35000 for each girl," police said in their investigation report.

On Ali's information, West Bengal police also arrested his accomplice/agent Anjura Khan, who was identified as a native of 24 Parganas in West Bengal, but lived in New Delhi.

Not a trace

Sadly, while it was Qamar's quest for his long missing daughter that blew the lid off this sinister human trafficking ring, the girl remains elusive and her whereabouts unknown and untraceable.

The police found her name as one of the entries in Ali's register, the police found the address written against her name was fake. "The house never had anyone by the name mentioned in the register living there; even the neighbors could not remember anyone," Singh said.

The search for Qamar's daughter continues.

NewsClick

Human Rights Violation: BHRC Sends Notice Over Bangladeshi Woman Jailed After Sentence Completion

<https://www.newsclick.in/human-rights-violation-BHRC-sends-notice-bangladeshi-woman%20Jailed-sentence-completion>

The Bihar Human Rights Commission (BHRC) has expressed serious concern over a Bangladeshi woman who was lodged for months in a Bihar jail last year, even after the completion of her sentence for entering the country illegally. The BHRC issued a notice to the additional chief secretary of the state home department to reply in this connection.

This has come as good news for Riya Afreen Rupa, who has been waiting to return to her home country Bangladesh for over a year. Currently, she is languishing at the Bihar Institute of Correctional Administration (BICA), in Hajipur, the headquarters of Vaishali district.

The BHRC's judge Ujjawal Kumar Dubey, while hearing the petition of Muzaffarpur-based human rights lawyer Subodh Kumar Jha seeking justice for Rupa, on Wednesday observed that it is a violation of human rights to lodge Rupa in jail after completion of her sentence.

The BHRC, in its notice, directed the additional chief secretary to reply by November 29 in this connection, and the next hearing will be on December 7, 2022.

Jha told NewsClick that he approached the BHRC as it was wrong to jail Rupa after the completion of her sentence because she is hapless. It is a positive development that the BHRC has found negligence of the jail authorities in lodging her in prison after her sentence ended.

Jha said that Rupa, a mother of two minor boys, was lodged at the Bihar Sharif Jail, in the Nalanda district, for more than seven months after her sentence ended on January 22, 2021.

"She was released only after the Bihar Human Rights Commission intervened upon my request and shifted to BICA in August 2021," he added.

"Rupa was arrested on December 5, 2019, for illegal entry into the country after she was found roaming suspiciously in Ahiyapur area, under the Noorsarai Police Station in Nalanda. A local court sentenced her to one-year imprisonment along with seven days' additional imprisonment for being unable to pay Rs 500 fine," Jha said.

At the time of her arrest, according to the petitioner, Rupa had an identity card bearing her name, her husband's name, residential address and the district's name in the Bengali language.

Delhi-based legal researcher Sarah Imran said the BHRC has rightly pointed out that it was a violation of human rights to lodge Rupa in jail after the completion of sentence. "No person should be deprived of his or her liberty in this manner as it goes against article 21 of the Indian Constitution, which protects the right to life and liberty of a foreign national in the same manner as an Indian citizen," said Imran.

According to the police, Rupa said in her statement that she was extremely poor and could not afford medical treatment for one of her ailing sons. Subsequently, a Bangladeshi man known to her "promised to arrange money and a job in India". However, he "trafficked her to Kolkata" and left her on the streets to fight for survival. Later, she boarded a train to Nalanda and begged for food and money.

Despite spending one year in jail in Bihar for entering the country illegally without a proper passport and visa, the 27-year-old Bangladeshi's hope to reunite with her children and family has become a far-fetched dream due to official apathy.

As per the official process, Rupa's identity proof and documentation work have to be authenticated by the state home department and the Union Home Ministry through the Bangladesh High Commission before her return.

It appears she has to wait for more time to return to her country. However, the concerned officials of the state and the central governments can facilitate her return home soon on humanitarian grounds.

Hindustan Times

Anonymity not a fundamental right, says Centre in Twitter case

<https://www.hindustantimes.com/india-news/anonymity-not-a-fundamental-right-says-centre-in-twitter-case-101662055715365.html>

There is no fundamental right of anonymity under the constitution, the Union government has emphasised before the Karnataka high court, defending its power to block “unverified, untraceable and anonymous” Twitter users.

The government’s stand came in response to a petition by Twitter, which opposed the Centre’s orders to block accounts 39 accounts last year. The government contended the social media company was “not taking effective steps to prevent the spread of fake news or deliberate misinformation, and as such, misinformation content relating to sovereignty and integrity, national security or public order related issues are on the rise.”

Demanding dismissal of Twitter’s petition, the Centre’s affidavit added that “the content management policies of Twitter are a failure” and do not efficiently control or prevent misinformation tweets or comments from being published.

Submitting its statement of objections, the Centre told the high court that the foreign microblogging website is using the legal processes of India without any jurisdiction to claim a fundamental right with the objective of disguising its non-compliance with the Indian laws and to further its commercial interests.

“The present petition filed under the pretext of procedural non-compliance of Section 69A is nothing but a subterfuge and a device to overreach, defy and circumvent the lawful orders passed by competent authority of the sovereign country and to assert commercial power, showcase immunities from laws and absolute monopoly in the relevant international market,” stated the Centre’s affidavit in the high court.

Section 69A of the 2000 Information Technology Act gives competent authorities under the law the power to issue directions to block any information through any computer resource.

The government added that the accounts blocked by it were unverified accounts and that there is nothing to show as to whether the said accounts are operated by citizens of India or are fake, anonymous or bots.

“Furthermore, there is no fundamental right of anonymity under Part III of the constitution. The only right guaranteed is the right to remain silent. As fortiori (as a result), the petitioner (Twitter) cannot defend Article 19 rights (freedom of speech and expression) of its unverified, untraceable and anonymous users. The said right is only available to an identified citizen of the country,” maintained the government.

It also countered Twitter's argument that the blocking orders were bad in law for failing to provide notices to the originators of the content and are disproportionate in several cases. The government said while it has no legal duty to give prior notice to unverified and anonymous accounts, Twitter is obligated to share details of verified accounts with the designated officers in cases of verified accounts.

Twitter moved the high court after the Union electronics and information technology ministry, through a notice on June 26 this year, warned it of penal action against its chief compliance officer, and granted it last opportunity to comply with a series of blocking orders issued in 2021. The company argued that the orders are procedurally and substantially deficient of Section 69A requirements and that they demonstrate excessive use of powers and are disproportionate.

In its 96-page response, the central government questioned the very maintainability of the plea, saying Twitter, being just a mere intermediary and also a foreign company, has no right or locus to defend the blockage of information data hosted on its platform by a third party.

Twitter swiftly removed posts that it perceives to be violative of its own policies but the alacrity is not found in lawful compliance with court orders or government directions, the government also said.

Reminding the company of its legal obligations, the government underscored that the IT Act will override any policies made by Twitter. "No platform is exempt from compliance for reasons of jurisdiction or nationality or non-applicability of laws or tags of global company. Foreign platforms providing services in the country shall not be entitled to claim that the Indian Laws and Rules are not applicable upon them. Any such claim is legally untenable," it said.

Hindustan Times

UP govt's madrasa survey sparks political row

<https://www.hindustantimes.com/india-news/up-govt-s-madrasa-survey-sparks-political-row-101662056256019.html>

The Uttar Pradesh government's decision to conduct a survey of unrecognised madrasas in the northern state triggered a political row on Thursday after opposition parties alleged the move was meant to harass Muslims.

The opposition also termed the survey as a "Mini-NRC" (National Register of Citizens) and said the government has no right to interfere in the functioning of madrasas under Article 30 of the Constitution.

On Wednesday, minister of state for minority affairs Danish Azad announced that the state government will soon conduct a survey of unrecognised madrasas to gather information on the number of teachers, curriculum, basic facilities available there and their affiliation with any non-government organisations.

Ansari said the survey will be held in accordance with the requirement of National Commission for Protection of Child Rights (NCPCR) in connection with the availability of basic facilities to students in madrasas.

Hitting out at the Yogi Adityanath government over its decision, All India Majlis-e-Ittehadul Muslimeen (AIMIM) chief Asaduddin Owaisi said the former has no right to interfere in the functioning of madrasas as they are private-run, not recognised as per the madrasa board and do not receive any aid from the government.

"...private madrasas neither have any dealings with the government nor does the government provide funds to them. Those recognised by the madrasa board have a connection to the government..," he told reporters in Hyderabad.

The AIMIM leader also termed the survey a "Mini-NRC" (National Register of Citizens) and accused the state government of "harassing Muslims".

According to Article 30 of the Constitution, a fundamental right is available (for minorities) to set up an educational institution of choice, Owaisi said.

"Madrasas are as per Article 30, then why has the Uttar Pradesh government ordered the survey? It's not a survey but a mini-NRC. Some madrasas are under the state madrasa board. The government cannot interfere with our rights under Article 30. They just want to harass Muslims," he added.

Responding to the allegations of anti-national activities vis-a-vis some madrasas, Owaisi said it is shamelessness as the same madrasas got independence for the

country and they are now being looked at with suspicion. This comes at a time when 75 years of Independence is being celebrated, he added.

“Your only purpose is harassing, defaming Muslims, Islam,” he asserted.

Also read: Viral clip of hookah & chicken party on Ganga invites probe in Prayagraj, case against 8

The opposition Samajwadi Party in the state also said the survey was meant to “harass” people.

“The entire education system of the state government is in bad shape. There was no need for this survey as these madrasas are not taking any grant from the state government,” party state spokesperson Rajendra Chaudhary said.

According to the state government, there are 16,461 madrasas in Uttar Pradesh, out of which 560 are provided government grants. New madrasas have been included in the grant list in the last six years.

Meanwhile, Diwan Saheb Zaman, general secretary of Teachers’ Association Madaris Arabiya, welcomed the state government’s decision to hold the survey, saying it would benefit madrasa teaching and non-teaching staff.

ThePrint

NCPCR chief says adequate care not given to Dumka victim

<https://theprint.in/india/ncPCR-chief-says-adequate-care-not-given-to-dumka-victim/1112526/>

Chairperson of the National Commission for Protection of Child Rights (NCPCR) Priyank Kanoongo will travel to Dumka to investigate the absence of due diligence in handling the Dumka incident where a girl was set ablaze.

“We’ll go there, meet doctors & family members of the child. We’ll investigate the whole matter & convey it in our report...According to service rules, stern action will be taken against people who deprived the child of her rights,” Kanoongo told ANI

A minor girl was set ablaze by accused Shahrukh on August 23. After struggling for 5 days she succumbed to her injuries on August 28. Shahrukh along with an accomplice has been arrested.

Kanoongo added, “I spoke to the child’s father over call. Police did not do proper hearing, proper treatment was not given to her. If a child dies due to lack of treatment, it is gross negligence of the administration & govt. We’ll collect facts on it & ensure action is taken”

“Police concealed many things, quoted wrong age of victim for which the girl child did not get benefits of Juvenile Justice Act. It’s criminal negligence. POCSO sections weren’t invoked. Yesterday on Child Welfare Committee’s demand they invoked it,” Priyank Kanoongo told ANI.

The incident became a national issue after the victim’s last statement went viral in which she said, “I want him to suffer like I am suffering.”

After severe protests, section 144 was imposed in Dumka. Jharkhand government constituted a 10-member Special Investigation Team (SIT) under supervision of an SP to investigate the matter. (ANI)

The New Indian Express

Karnataka: Murugha math seer accused of sexually abusing minor girls arrested

<https://www.newindianexpress.com/states/karnataka/2022/sep/01/karnataka-murugha-math-seer-accused-of-sexually-abusing-minor-girls-arrested-2493833.html>

The Chitradurga police arrested the pontiff of the Murugha Mutt, Dr Shivamurthy Murugha Sharanaru in a POCSO case registered against him and four others on Thursday night.

Confirming the arrest, Superintendent of police K Parashuram, said, "We have arrested Murugha Shree and he is being questioned."

According to the Medical Superintendent Dr Palakshappa, Murugha Sharanaru surrendered voluntarily before the police.

Earlier in the day, the case witnessed hectic developments which concluded with the arrest of the pontiff.

The police made the arrest of Shivarmurthy Murugha Sharanaru, who was clad in simple robes, at the Mutt and took him out through the backdoor of the premises to an undisclosed location. Initially, it was planned that he would be taken first to the Deputy SP's office and then the district hospital for a medical test ahead of being produced before the second additional district Judge.

However, on Thursday evening rumours of the Pontiff getting arrested were spreading and the SP, Parashuram said a Look Out notice was issued against the pontiff to prevent him from leaving the country.

As soon as the news of the arrest was spread, police imposed tight security in and around Chitradurga district in the wake of widespread protests from all quarters. Security at the Murugha Mutt, Government Girls Home and the district court were also been tightened.

Meanwhile, the National Commission for Protection of Child Rights (NCPCR), the apex child rights body in India, took suo motu cognizance of the POCSO case and issued a notice to Superintendent of Police Parashuram, directing him to submit a report within seven days of its receipt.

Earlier in the day, as the anticipatory bail petition came up for hearing, Special Public Prosecutor Nagaveni appeared on behalf of the government, while BC Srinivas represented the victims, and the complainant, the Child Protection Unit Probation officer, C Chandrakumar, appeared in person.

The judge gave time to file objections against the bail applications (interim as well as regular) on which basis the hearing was adjourned to Friday.

The two minor girls, victims in the POCSO case registered against the seer, were also present in the court. The statements of the victims under Section 164 of the CrPC were recorded before the First Additional District and Sessions in Chitradurga on Tuesday and the medical test of the victims were conducted on Sunday.

How the issue unfolded

After the Child Protection Unit Probation officer C Chandrakumar filed a complaint in Mysuru on August 26, alleging that the pontiff had subjected the minor victims to sexual abuse in the mutt and abetted by four others including the lady warden of the hostel where the girls were lodged, an FIR was registered at Mysuru's Nazarbad police station.

It was later, based on the jurisdiction of crime, shifted to Chitradurga Rural Police Station.

The minor girls were shifted from Mysuru to District Girls Home Chitradurga on Sunday.

Meanwhile, the two survivors were produced at district and sessions court Chitradurga for recording their statements on Tuesday.

The statements were recorded under Section 164 CrPC before the judge in confidential proceedings.

Statements before a magistrate under section 164 of the CrPC can be considered key evidence in a crime related to POCSO.

Dr Shivamurthy Murugha Sharanaru, the accused, moved the anticipatory bail application on Tuesday to Second Additional District Judge and the hearing has been slated for Friday.

Meanwhile, the district child protection officer Lokesh confirmed the shifting of the children of the Akkamahadevi hostel of the Murugha Mutt to the Morarji Desai Residential School and Government Girls Home Chitradurga, so that their education will not get hindered.

Business Standard

SC issues notice on plea contending abortion violates right to life

https://www.business-standard.com/article/current-affairs/sc-issues-notice-on-plea-contending-abortion-violates-right-to-life-122090101462_1.html

The Supreme Court has issued notice to the Central government on a plea challenging provisions of the Medical Termination of Pregnancy (MTP) Act, as allowing abortion of foetus, due to various reasons, violated right to life of the yet-to-be-born.

A bench of Justices B.R. Gavai and C.T. Ravi Kumar sought reply from the Central government on a petition filed by 'Cry for Life Society' and others.

Petitioners challenged the validity of the Kerala High Court's order of June 9, 2020 which declined to entertain their plea. In the apex court, the petitioners contended that their plea raises substantial questions of law in relation to the provisions of Section 3 of the Medical Termination of Pregnancy Act, 1971.

The petitioners, led by senior advocate K. Radhakrishnan and advocate John Mathew, contended that abortion would violate the right to life and the fundamental right guaranteed under Article 21 of the yet to be born is violated by the said provisions of the MTP Act.

"This court in Suchita Srivastava and Anr v/s Chandigarh Administration, reported in (2009) 9 SCC 1, though while dealing with the right of a woman to make reproductive choices, did specifically recognise the compelling state interest in protecting the life of the prospective child in case of a pregnant woman," said the plea.

The plea contended that once the child is formed, it acquires all rights of a human being and is entitled to all protection afforded to every citizen of India, including right to life and property, the only exception is when it becomes a risk or threat to the life of the mother.

The plea added, "the High Court of Kerala dismissed the writ petition concluding that the validity of Section-3 (2) was upheld by this court in its letter and spirit in the decisions of this court and relied on by the High Court in the impugned judgment, when the validity and the vires were not actually under challenge in those cases before this court.

ThePrint

1997 Uphaar cinema fire: Victims move HC to enhance punishment of Ansals in evidence tampering case

<https://theprint.in/india/1997-uphaar-cinema-fire-victims-move-hc-to-enhance-punishment-of-ansals-in-evidence-tampering-case/1111853/>

The Association of Victims of Uphaar Tragedy (AVUT) Thursday approached the Delhi High Court seeking enhancement of punishment of real estate tycoons Sushil and Gopal Ansal, who were released against the jail term already undergone by them for tampering with evidence in the case related to the 1997 Uphaar cinema fire which had claimed 59 lives.

The petition, challenging the trial court's order on sentence and seeking enhancement of the jail term from the period already undergone to the original sentence of seven years awarded to the convicts earlier, was listed before Justice Asha Menon who did not hold the court on Thursday.

The matter has now been listed for hearing on September 5.

A magisterial court had on November 8, 2021, awarded seven-year jail terms to the real estate barons and since then they were in prison.

The District Judge had on July 19 modified the magisterial court's order on sentence and ordered the release of Ansals, former court staff Dinesh Chand Sharma and Ansal's then employee P P Batra against their already undergone jail term since November 8, 2021.

It, however, had upheld the fine of Rs 2.25 crore imposed by the magisterial court on Sushil and Gopal Ansal each and Rs three lakh each on the other two convicts.

The petitioner organisation, represented through senior advocate Vikas Pahwa, said the district judge has failed to consider that the offence of tampering is extremely serious in nature as it affects the entire criminal justice system.

"It is direct interference in the administration of justice and thus requires serious consideration while sentencing a convict for committing the offence of misappropriating the court files and tampering with the most crucial evidence, purported to be used for convicting an accused person," the plea, filed through AVUT chairperson Neelam Krishnamoorthy, said.

It contended that the trial court failed to consider that this is a case that shatters the confidence of the public at large in the criminal justice system and it requires a maximum sentence so that it works as a deterrent for others who even dream of tampering with the court record in future.

It said the district judge has failed to consider that the accused in this case, primarily the Ansal brothers, misused the liberty granted to them in the main Uphaar case and tampered with the evidence after hatching a criminal conspiracy with the court staff.

The Financial Express

Right to protest doesn't confer right to obstruct legally permitted projects: Kerala HC

<https://www.financialexpress.com/india-news/kerala-high-court-adani-vizhinjam-port-kerala-news-fishermen-protest/2652305/>

The Kerala High Court on Thursday held that the right to protest against the government does not confer upon an individual the right to obstruct a legally permitted project, Bar and Bench reported.

Justice Anu Sivaraman, during a hearing in the Adani Vizhinjam Port Pvt. Ltd. and others versus the state of Kerala and others, noted that the right to protest only meant the right to peaceful protests.

The court ordered that police protection be given to workers and other officials of Adani ports who are engaged in the Kerala port construction.

"This Court has time and again considered the issue of competing interests in the grant of police protection and has held that a right to protests can only mean a right to protest peacefully and that there can be no right to obstruct a legally permitted project or activity in the guise of a protest, whatever be the reason for the protest," the judgment read, as quoted by Bar and Bench.

Fishermen have been protesting against the construction of a port in Kerala's Vizhinjam, where the Adani group started construction on December 5, 2015. The fishermen have been demanding proper environmental impact studies, rehabilitation of families who lost their homes to coastal erosion as well as to rectify the damages caused in the coast, among others.

The Court had passed the order on two petitions that were moved by Adani Ports and by its contracting partner Howe Engineering Projects, seeking police protection. The petitioners claimed that protesters blocked the entry and exit points of the construction site, adding that construction work had been stalled since August 17 due to the protests.