

Human Rights News

The Wire

Court Pulls up Delhi Police for Presenting 'Irrelevant' Witnesses in 2020 Riots Case

<https://thewire.in/law/delhi-riots-police-irrelevant-witnesses>

A trial court on Monday, November 14, pulled up the Delhi Police for presenting “irrelevant” witnesses before it in a 2020 riots case.

Despite giving repeated directions to the prosecutor and the investigating officer to check if everything is well with the records in a number of cases in the past, such steps were not taken, the court said.

Giving a “last warning to wake up”, it asked the prosecutor and the investigating officer to ensure relevance of witnesses in the case.

The court made these observations while examining a prosecution witness, Manoj Kumar, in the case of rioting registered by the Khajuri Khas police station against Noor Mohammad and Nabi Mohammad.

During the proceedings, the counsel for the accused said there was no mention of the complaint of Kumar in the charge-sheet framed in the matter.

The court was told that though several complaints were clubbed with the present case, charges were framed only in respect of two complaints from Dalip and Shiv Kumar Raghav.

Also read: Delhi Riots: ‘Delayed Deployment of Additional Forces Escalated Violence,’ Says Fact-Finding Panel

According to a report by LiveLaw, the investigating officer and special public prosecutor conceded that the charges were not framed in respect of the complaint made by Kumar, or even by another witness, who was summoned for another hearing on Tuesday.

“It has been also pointed out that in the charges, wrong date of incident has been mentioned,” the court said in the order.

“I have perused the record... It has been conceded that charges were not framed in respect of the complaint made by the witness present today [November 14] or even by the witness who has been summoned for tomorrow [November 15],” the judge said.

Saying that there was no purpose in examining Kumar, the court discharged him unexamined.

The case will be next heard on November 29.

As per the report, the first information report, which was filed on the complaint of Dalip Singh, said that on February 24, 2020, his automobiles service centre was attacked by a mob. He alleged that the mob also set on fire 15 motorcycles, robbed his mobile phone and also looted cash.

The New Indian Express

Negligence kills 17-year-old budding Chennai footballer, doctors suspended

<https://www.newindianexpress.com/cities/chennai/2022/nov/16/negligence-kills-17-year-old-budding-chennai-footballer-doctors-suspended-2518744.html>

Hours after 17-year-old Priya, an aspiring footballer, died early on Tuesday at the Rajiv Gandhi Government General Hospital where she was undergoing treatment following complications due to a knee surgery she underwent on November 7 at the Government Peripheral Hospital in Periyar Nagar, the state health department suspended two government doctors for medical negligence. Departmental action will also be initiated against Dr K Somasundar and Dr A Paul Ram Sankar, assistant professor-rank doctors, authorities said.

According to sources, the doctors had failed to remove a compression bandage they had placed to prevent blood flow to the surgery spot during the operation, leading to fatal complications. Speaking to reporters on Tuesday, health minister Ma Subramanian said Priya's kidneys, liver and heart were affected and she couldn't be saved despite GH doctors' best efforts. The minister said Rs 10 lakh compensation would be given to the girl's family and one of her three brothers would get a government job.

Explaining her medical complications, Dr E Theranirajan, Dean, Rajiv Gandhi Government General Hospital, said, "Priya died of multi-organ failure. She was taken for revision surgery to remove more dead tissues on Monday. Because of muscle breakdown, there was an increase in the presence of a protein called myoglobin in the urine."

'Doctors forgot to remove compression bandage'

"This affected her kidneys and her creatinine level was high. Enzymes in the liver were also elevated and heart contraction had slowed down. Slowly, one organ after the other failed. Her blood pressure dropped. She was put on a ventilator and dialysis was also carried out.

Despite intensive care through the night on Monday, her condition deteriorated, Dean Theranirajan said. Sources said Priya took an MRI scan at the RGGGH on October 15, which showed a ligament tear. Doctors there suggested keyhole surgery. But the family decided to admit the girl to the Government Peripheral Hospital in Periyar Nagar for the surgery.

She was admitted to the peripheral hospital on October 29 with complaints of knee pain, swelling, and slippage of knee-joint. She had a history of injuries, an official source said. On November 7, the two doctors performed arthroscopy, a minimally invasive surgical procedure. "The doctors placed the compression bandage to prevent blood flow to the surgical site to get clear vision and precision. But after the procedure, they forgot to remove the bandage.

Two grafts were taken, one in the thigh region and another below the knee,” the source said. “Priya complained of pain on the night of the surgery. But the doctors thought it was because of the surgery and they gave her painkillers. As she kept complaining of pain and her leg got swollen, a doppler scan was taken on November 8.

The scan showed that blood flow in her blood vessels had stopped. A vascular surgeon’s opinion was sought, and she was referred to the Rajiv Gandhi Government General Hospital for further treatment and management,” the source added.

After Chief Minister M K Stalin inaugurated the renovated peripheral hospital on August, 2021, with four operation theatres in his Kolathur constituency, outpatient and in-patient cases picked up, and doctors started performing advanced procedures at the facility.

“The hospital performed its first arthroscopy surgery on Priya. The doctors had performed many knee replacement surgeries and other procedures. The doctors had also said they had performed several arthroscopy procedures in private hospitals.

So, they performed it here,” said a source. As blood vessels started decaying and infection started spreading in the leg, doctors decided to amputate Priya’s leg, and it was done on November 9 at the RGGGH. They again did a surgery on Monday to remove extra growth in her knee.

Forgot to take off bandage

Two doctors, now suspended, had failed to remove a compression bandage they had placed to prevent blood flow to the surgical spot during keyhole operation.

Hindustan Times

Mizoram stone quarry collapse: 8 bodies recovered, 4 workers still missing

<https://www.hindustantimes.com/india-news/mizoram-stone-quarry-collapse-8-bodies-recovered-4-workers-still-missing-101668538729557.html>

Eight bodies were recovered on Tuesday, a day after a stone quarry collapsed following landslide in Mizoram's Hnahthial district, government officials said, adding four people were still feared missing.

According to officials, 13 people were working at the stone quarry at Maudarh village on Monday when a massive landslide hit the nearly 5,000 sq metre area around 3pm. While one worker managed to escape unhurt, 12 were feared trapped under the debris.

"Of the 12 people who were reportedly missing, eight bodies have been recovered from the debris till 7am on Tuesday," said Hnahthial deputy commissioner R Lalremsanga. "Search operation will continue till all missing persons are found."

Out of the eight deceased, five were from West Bengal, two from Jharkhand, and one from Assam, a district official said, requesting anonymity.

Lalremsanga, who is also the chairman of district disaster management authority, said the National Disaster Response Force (NDRF) team comprising two officers and 13 staff members arrived at the accident site on Tuesday morning.

Of the 12 people reportedly missing, four were employees of ABCI Infrastructures private limited while eight others were contractual employees, the deputy commissioner said.

The stone quarry is owned by ABCI, which is executing widening of a section of national highway between Hnahthial town and Dawn village. Five earth excavators, one stone crusher and a drilling machine were completely buried under the debris, he said.

Among the deceased was Rakesh Biswas (22), a resident of Tehatta in West Bengal's Nadia district, who had gone to work in Mizoram eight days ago.

"We came to know about the incident from a village youth. His mother and sister have been crying inconsolably since we got the news around 1 pm," said Kalu Biswas, his father.

The 22-year-old was closer to his cousin's husband Bhubanchandra Mondol, a state government employee, and the last spoke on Sunday evening.

"It was a usual chat. He told me it they were staying in the hills and it was cold out there," said Mondol. "He also said that the market was a few km away and they had to cook their food."

Buddhadeb Mondol (25) lived next door from Biswas's in Tehatta and the two came to work at the quarry together.

"Rakesh and my brother Buddhadeb went together to work. They had earlier been to Odisha and Maharashtra for work. I spoke to him on last Wednesday, a day after they had left home," said Sukanta Mondol, a wage labourer and Buddhadeb's brother. "They were yet to reach the spot and he said it would take another three hours."

The 25-year-old had last spoken to his mother on Monday afternoon, a few hours before the tragedy hit.

India Today

Acting smart: Gujarat HC raps civic body for not floating bid for Morbi bridge upkeep

<https://www.indiatoday.in/amp/law/story/gujarat-hc-raps-civic-body-for-not-floating-bid-for-morbi-bridge-upkeep-2297461-2022-11-15>

While hearing a suo motu case on the Morbi bridge tragedy, the Gujarat High Court has questioned the Morbi civic body for not floating a tender for maintenance of the Morbi bridge.

“The term of the contractor ended in 2016, despite that no tender was floated by the Morbi Municipal Corporation for the upkeep of the bridge,” the court said.

The bench also asked for the agreement between the private contractor and the Morbi municipal corporation regarding the maintenance of the bridge.

The court said that the bench was informed that no notice had been issued to the civic body.

“Notice was issued by the registry. The municipal body is trying to act smart now,” the court said.

ALSO READ | Morbi tragedy: Are main culprits being shielded? Top cop denies charges, assures action against all involved

Meanwhile, the Gujarat government, through the advocate general, informed the court that the bridge witnessed a huge rush of people due to Diwali.

The advocate general said, “Gujarat Police was on the spot within five minutes of the incident to rescue people from the river. All rescue operations were carried out at lightning speed. The chief minister and home minister, too, reached the site within a few hours.”

The court issued orders to the principal district judge of Morbi to ensure that notice was served to the municipal corporation informing them that the hearing would be conducted again tomorrow.

“The largesse of the state seems to have been granted without there being any tender floated in this regard,” the court order mentioned.

In October, over 130 people, including women and children, were killed and hundreds were injured after a hanging bridge built over the Machhu dam in Gujarat's Morbi district collapsed, triggering a nationwide panic.

Times of India

Morbi bridge tragedy: Gujarat HC raises questions about maintenance & operation contract

<https://m.timesofindia.com/city/ahmedabad/morbi-bridge-tragedy-gujarat-hc-raises-questions-about-maintenance-operation-contract/articleshow/95529829.cms>

The Gujarat high court on Tuesday criticised the lapse on part of the authorities in the Morbi suspension bridge tragedy case — especially the (Morbi) municipality — for the vague contract that it had signed with Ajanta Manufacturing Pvt Ltd for maintenance and operation of the bridge, which collapsed on October 30 resulting in the death of 135 persons. The HC said that Ajanta “arm twisted” the district collector to get the contract, which was not “substantive agreement”

In response to a suo motu PIL, the advocate general apprised the high court about the incident and action taken for rescue and relief operation and compensation provided to the victims’ families. The state government informed the HC that there were a total of 3,165 persons who visited the bridge on the fateful day. At the time of the accident at 6.30pm, there were more than 300 tickets sold. The government submitted that the bridge was opened without any prior approval and without obtaining any fitness certificate about structural stability

The bench of Chief Justice Aravind Kumar and Justice Ashutosh Shastri said about the contract to maintain the suspension bridge, “It was only one and a quarter page agreement, absolutely without any condition. There is nothing in it. This is by way of understanding. The largesse of the State was given for 10 years. There was no tender floated and no expression of interest was issued.” Ajanta “arm twisted the district collector” The court also said that Ajanta “arm twisted the district collector” in inking the agreement to maintain and operate the bridge and this was revealed in three communications between Ajanta and the authorities.

The court also noticed that Ajanta was allowed to continue to operate the bridge and collect revenue even after the MoU inked in 2008 came to an end in 2017. The court also questioned the functioning of the Morbi municipality, which did not receive the HC’s notice and did not respond to the PIL. The CJ remarked, “They are trying to act smart.” The HC ordered the Morbi district judge to send a bailiff to serve the notice by 4.30pm on Tuesday and sought its reply and documents related to the bridge by Wednesday. Besides, the HC ordered the government to immediately secure the entire file related to contracts of the suspension bridge commencing from day 1 till date and submit in HC registry in a sealed cover by Thursday.

The state government will have to explain why it did not exercise its power under 263 of the Gujarat Municipality Act that enables dissolving and superseding the Morbi municipality, because prima facie, the municipality has defaulted which led to unfortunate incident. The court has also sought to know whether the state government has initiated any disciplinary proceedings against Morbi municipality’s chief officer Sandeepsinh Zala, who has been suspended. The court also sought to know if there is

any other inquiry or disciplinary action being taken against any other officer. The state government and the Gujarat Human Rights Commission informed the HC about the compensation given to the victims' families and injured persons. On this, the chief justice insisted that the state government is required to have a policy of giving jobs on compassionate grounds to family members of the victims, who were sole earning members of the family. The HC asked the state government to show, "Under MoU of June 16, 2008 and agreement of March 7, 2022, whether any condition has been imposed for certification of the bridge being fit for usage to be obtained? If so, who is the competent authority required to certify the same?" The HC also sought to know whether any steps were taken by the state government through Morbi collector or Morbi municipality to float expression of interest or tender for entrusting the maintenance, repair, management of the bridge after the first MoU's term completed in 2017. "Whether the largesse of the state was given Ajanta without any tender being floated? On what basis the bridge was permitted to be operated by Ajanta after June 15, 2017 though the 2008 MoU was not renewed?" were the questions the HC put forth to the state government. The court has also asked whether the state government took any action under section 65 of the Gujarat Municipality Act.

The court has sought reply from the state government on these queries by November 24. Besides, the Gujarat State Human Rights Commission also submitted its report informing the HC that it took cognisance of the tragedy on November 1 and sought reply from all the authorities concerned. Its chairman and members visited the place and conducted meetings. The commission has asked for details from the authorities in 20 days. The HC asked the commission to place before it the details gathered from the officials. Meanwhile, a member of the Bar, advocate KR Koshti, requested the HC to permit him to join the litigation. The bench granted his request to assist the court in this litigation.

Hindustan Times

Delhi's air quality remains in 'poor' category

<https://www.hindustantimes.com/cities/delhi-news/delhis-air-quality-remains-in-poor-category-101668566705016.html>

Delhi's air quality continued to remain in the 'poor' category on Wednesday morning with an air quality index (AQI) value of 253 on the central pollution control board (CPCB) city-wise AQI index at 7am.

Data from Sameer App, which provides hourly updates on the national air quality index (AQI) published by CPCB showed that the hourly air quality index (AQI) at 7 am on Wednesday stood at 227. On Tuesday, the average 24-hour AQI was 260.

Also Read: Stronger surface winds help Delhi breathe easier, AQI still very poor

An AQI between zero and 50 is considered 'good', 51 and 100 'satisfactory', 101 and 200 'moderate', 201 and 300 'poor', 301 and 400 'very poor', and 401 and 500 'severe'.

On the weather front, the minimum temperature on Wednesday is likely to be at 15°C while maximum temperature is predicted to reach 28°C.