

Former judges, senior advocates review recent SC judgements at the People's Tribunal

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A People's Tribunal was organized on August 6 2022 in Delhi on the "Judicial Rollback of Civil Liberties". The focus of the Tribunal was on the recent Supreme Court judgements, including the verdict in the 2002 Gujarat riots case and the 2009 plea regarding the Chhattisgarh massacre of Adivasis.

The Tribunal was organised by the Campaign for Judicial Accountability and Reforms (CJAR), the People's Union for Civil Liberties (PUCL) and the National Alliance of People's movements (NAPM).

The petitioners in these cases and others, deposed before a panel of retired judges and eminent persons, on how the recent judgements rollback the constitutional protections of the people of this country and the jurisprudence on civil liberties.

The Tribunal members were - Justice AP Shah, former Chief Justice of Delhi High Court, Justice Anjana Prakash, former judge of Patna High Court, Justice Marlapalle, former judge of the Bombay High Court, professor Virginius Xaxa, Chair of the 2014 high-level committee to examine the status of STs and Dr Syeda Hameed, former Member of the Planning Commission.

VERDICT IN HIMANSHU KUMAR CASE

The first session focussed on the Himanshu Kumar judgement. In that case, the Supreme Court had dismissed the 2009 plea seeking an independent investigation into alleged incidents of extra-judicial executions of tribals in Chhattisgarh. The court had also levied a cost of Rs 5 lakh on petitioner Himanshu Kumar.

Senior advocate Colin Gonsalves, who was counsel for the petitioner before the court, said, "The courts were the final resort for seeking justice and if they shut their doors by going after petitioners who bring forward cases, especially of marginalised people, where would the aggrieved persons go?"

The jury member, Justice AP Shah, former judge of the Delhi High Court, made observations expressing his shock over the approach adopted by the Supreme Court in this case. He expressed disappointment over how the court is denying independent investigation and imposing fines upon petitioners.

ZAKIA JAFRI JUDGEMENT

The second session was on the Supreme Court's judgement in the Zakia Jafri case, where the court had dismissed a petition filed by Zakia Ehsan Jafri challenging the closure report filed by SIT discarding the allegations of larger conspiracy by state functionaries in the 2002 Gujarat riots case.

Advocate Nizam Pasha, pointed out the fallacies in the judgement of the Supreme Court in this case and said that the judgement repeatedly questions the petitioner's 'audacity' in questioning the integrity of high government functionaries in the state of Gujarat.

Advocate Mihir Desai countered the court's conclusion that the petitioners had kept the pot boiling by stating that it was the Supreme Court and the NHRC who had questioned the role of the Gujarat administration on several occasions between 2002 and 2012.

Referring to RB Sreekumar and Teesta Seetalvad, he said that we should be prepared for many more people being put in the dock in the name of investigating the conspiracy.

JUDICIAL ASSAULT ON CIVIL LIBERTIES

The third Session was on the judicial assault on civil liberties.

Advocate Warisha Farasat spoke about how over the past few years, we have witnessed an overbearing executive, which has shown no respect for the rule of law, civil liberties and has crushed any form of dissent.

She said that it appears that the Supreme Court has given the central government a walk over in anything that matters, by delaying hearing important petitions such as those challenging the repeal of Article 370, anti-CAA or the electoral bonds.

Senior advocate, Nitya Ramakrishan, classified the Supreme Court's recent actions into three categories:

- Abdication such as in the non-listing of the Kashmir cases on abrogation of Article 370 and habeas corpus cases.
- Distortion as in the case of Haren Pandya where, despite the impossibility of the CBI conclusion that he had been killed inside his car, the SC gave them the benefit of the doubt
- Actively baleful judgements such as the Zakia Jafri and Himanshu Kumar cases.

She also argued that in times of crisis the judiciary merges itself with the executive and is no longer independent.

'NO EXPECTATIONS LEFT FROM SC'

Senior advocate Kapil Sibal said that he has no hope or expectations left from the Supreme Court. He stated that even if a landmark judgement is passed, it hardly ever changes the ground reality.

He stated that no court where a listing of cases is decided only by one person could be considered as being independent. He said that in Zakia's judgement, the court did not consider much evidence that was presented before the court.

Jury member Retd Justice Anjana Prakash, former judge of the Patna High Court observed that the Supreme Court has in fact added to the injustice to victims by its two judgements.

She stated that whatever be the state of affairs, it was our obligation to resort to the Supreme Court for justice and the court does fulfill its duty in most cases.

She stated that we do not live in a feudal setup and it was the taxpayer's money that runs every institution and therefore, all the institutions are obligated to serve justice to the people.

'We must constantly demand from the courts, we are living in a democratic set up, not in a feudal set up. Courts are being paid from our pockets, from taxpayers' pockets, their work is sanctified because of the work they do, not because they are sanctified,' she said.

She also observed that it is not the judges who are sacrosanct but the very act of doing justice that is sacrosanct and therefore, it was the obligation of the people to continue to demand justice.

Visakhapatnam: Even after 75 yrs, Kondu tribe gropes in darkness

<https://www.thehansindia.com/news/cities/visakhapatnam/visakhapatnam-even-after-75-yrs-kondu-tribe-gropes-in-darkness-757101>

Even after 75 years of the nation's independence, the Kondu tribe and other tribal communities residing in three hamlets are leading a dark life in the thick of the woods as they are deprived of electricity connection, voting rights, road facilities and anganwadi centre, among other amenities. Adivasis of Pasuvulabanda, Jeelugulova and Sompurambanda pour out their woes that basic amenities continue to elude them for quite a long time and their repeated pleas fall on deaf ears.

Staging a half-nude protest at Pasuvalabanda by kneeling down, they stressed that it's high time that officials concerned pay heed to their demands, including setting up of an ITDA in Narsipatnam. Sompurambanda falls under Cheemalapadu panchayat in Chodavaram constituency of V Maduguala in Anaparthi district. Fifty persons belonging to the Kondu tribe live in this locality. However, 75 years after independence, the three villages are groping in the dark as they still have no electricity connection.

Sharing their woes, the tribals say, "We don't get date of birth certificates for our wards. No additions to ration cards, no anganwadi centres and our children lead a life as shepherds and cowherds in the forest without any education." Even if the kids want to study, they have to trek a minimum of 10 kilometres. The tribal welfare officials don't come to their rescue either, the tribal leaders say. Most tribal officials are inaccessible to the Adivasis as the hamlets fall under non-scheduled villages, the tribals express worry. "Our lands are not present in government records, revenue officials show the records as land under cultivation," the tribals mention.

They rue that the mining companies are getting road facilities to mine their forest but there are no roads to their villages despite several complaints lodged even to the National Human Rights Commission. "After we lodged a complaint with the National Human Rights Commission, Narsipatnam RDO assured us to resolve our problems. However, no progress is made towards this direction," the Adivasis lament. Many of the tribals here do not even have safe drinking water facilities. Girijan Sangham Fifth Schedule Sadhana Committee representatives appealed to Deputy Chief Minister Budi Mutyala Naidu, in whose constituency these villages fall, that justice be meted out to them at the earliest.

पुलिस अभिरक्षा में पिटाई से हुई थी बंदी की मौत, पोस्टमार्टम रिपोर्ट में हुआ खुलासा..

<https://www.jagran.com/uttar-pradesh/gorakhpur-city-prisoner-dies-due-to-beating-in-police-custody-in-gorakhpur-22966247.html>

जेल गेट पर पुलिस की अभिरक्षा में दम तोड़ने वाले बंदी के प्रमोद के शरीर पर चोट के निशान मिले हैं। पोस्टमार्टम करने वाले दो डाक्टरों के पैनल ने बिसरा सुरक्षित किया है। एसएसपी ने मामले की जानकारी राष्ट्रीय मानवाधिकार आयोग को दी है। पोस्टमार्टम के बाद पुलिस की निगरानी में स्वजन ने देर शाम पुलिस की निगरानी में अंतिम संस्कार कर दिया। ऐहतियात के तौर पर मोर्चरी हाउस पर भारी संख्या में फोर्स तैनात रही।

यह है मामला

महराजगंज जिले के पनियरा थाना क्षेत्र स्थित मोथई गांव निवासी प्रमोद उर्फ सोनू पांच भाइयों में तीसरे नम्बर का था। अन्य सभी भाई मजदूरी करते हैं। प्रमोद की मौत की सूचना के बाद चारों भाई पोस्टमार्टम हाउस पर पहुंचे थे। भाइयों ने बताया कि पिपराइच के महरा गांव में उनके पिता की ननिहाल है। एक सप्ताह पहले वह महरा आया था उसके बाद क्या हुआ उन्हें कुछ नहीं पता। प्रमोद की शादी हो गई थी लेकिन तीन साल पहले पत्नी छोड़कर चली गई थी।

परिजनों ने लगाया था पिटाई का आरोप

पिटाई से मौत होने का आरोप लगाते हुए स्वजन ने दोषियों पर कार्रवाई करने की मांग की। पुलिस की देखरेख में प्रमोद का अंतिम संस्कार हुआ। एसएसपी डा. गौरव ग्रोवर ने बताया कि राष्ट्रीय मानवाधिकार को घटना की जानकारी दे दी गई है। अगर स्वजन तहरीर देंगे तो मुकदमा दर्ज कर कार्रवाई होगी। एसपी नार्थ को घटना की जांच सौंपी गई है।

पुलिस ने फावड़ा व स्पीकर के साथ पकड़ा था

पिपराइच थाना पुलिस ने चिउटहा नहर के पास प्रमोद को चोरी के फावड़ा व स्पीकर के साथ पकड़ा था। चोरी का मुकदमा दर्ज कर रविवार की शाम पिपराइच थाने के दारोगा व सिपाहियों ने रिमांड मजिस्ट्रेट के न्यायालय में पेश किया था जहां से जेल भेज दिया गया था। जेल गेट पर तलाशी के दौरान ही प्रमोद की तबीयत बिगड़ने पर जिला अस्पताल भेजा गया जहां डाक्टरों ने मृत घोषित कर दिया।