

NHRC formulates long-term plan for efficient working of mental health care institutes in India

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The National Human Rights Commission (NHRC) has made a push to formulate a long-term plan for efficient working of the mental health care institutions in the country to ensure their human rights.

It has embarked on an odyssey to get feedback from stake-holders including human rights activists, institutionalists and experts in the matter.

A delegation of the Commission, led by its Chairperson Justice Arun Mishra, will embark on a three-day visit to Jharkhand, which would include their visit to mental health care institutions in Ranchi, followed by a workshop on August 17 and 18.

The Commission informed that the delegation will be visiting Ranchi Institute of Neuro-Psychiatry and Allied Sciences, Kanke, (Ranchi), Jharkhand and the Central Institute of Psychiatry, Kanke, Ranchi to have first-hand knowledge of the present condition of these mental health care institutions.

In collaboration with the Jharkhand government, the Commission will organize a workshop on the issues and challenges being faced by the Ranchi Institute of Neuro-Psychiatry & Allied Sciences and Central Institute of Psychiatry.

It is also aimed at sensitizing different stakeholders on various aspects of mental health care. The participants will be different stakeholders, including the mental health care experts and senior government functionaries.

During its visit, the Commission will also hold a separate meeting with senior officers of the State and discuss various aspects related to the human rights and quick submission of reports to it in the cases of human rights violations for expeditious disposal of cases.

Prior to this, the Commission had visited and conducted workshops with regard to the Mansik Arogyashala, Gwalior on 12th and 13th July 2020, and the Institute of Mental Health, Agra July 27 and 28.

Apparently, the Commission was comparatively in more active mode in the protection of rights and convenience of those with mental health problems during the outbreak of the Covid-19 pandemic. It issued elaborate Guidelines to the Centre and the State governments.

Experts say that a read of the matrix of the dos and don'ts in the 360 degree-guidelines called upon authorities , ranging from Union Ministries to the echelons of authorities at the local self-governance at the grass roots, to the sensitivities and rights of those mentally ill.

Next CJI says: Hope to put in place 'healthy practices' in court with all on board

<https://indianexpress.com/article/india/next-cji-says-hope-to-put-in-place-healthy-practices-in-court-with-all-on-board-8090602/>

SET to take over as the 49th Chief Justice of India in a fortnight, Justice Uday Umesh Lalit said he didn't see his short tenure of 74 days as a "limitation" but an "opportunity" to put in place a set of "healthy practices" which, he hoped, would get broad acceptance and be followed by future generations including his successor.

Justice Lalit was speaking to The Indian Express Saturday at his residence in a free-wheeling interview where he touched on a range of issues, from the delay in listing cases to the need for judges to take "in their stride" public criticism.

Asked about his priorities as CJI, Justice Lalit said: "It is an opportunity which has been given to me. I will make the most of it, in terms of laying down certain things which I consider to be the healthy practices. Of course, they won't be (shaped only by) my individual views. Whatever I would like to put it down or lay down for the future generations to follow, we will take everybody in confidence...what shall be done hereafter at the level of the Chief Justice — naturally my successor. If you think in those terms, then 74 days is not a limitation."

While he did not elaborate what these good practices could be, he did flag certain issues he said the apex court, as an institution, needs to pay attention to.

On the issue of bail, he said there are statutes like the NDPS Act and SC/ST Act which say that relief should not be readily granted and this weighs on the trial court which has to consider statutory compulsions and societal interest. He added that "the law" however "has to be clear, the law has to be consistent" and "that is something which, as the Supreme Court, we must lay down".

Asked about the perception that the court gives the Executive the benefit of the doubt and doesn't hear many key cases, Justice Lalit said that at the level of the bench, each judge decides the case at an individual level. "(On the subject that) some matters don't get listed...that is something which, at the institutional level, we will have to find a solution to (in a way that) there won't be any room for criticism."

To that effect, he suggested the idea of having a Constitution bench sitting throughout the year to ensure that crucial matters are taken up without delay. He underlined that this would also make the best use of the formidable experience that judges bring to the Supreme Court.

Responding to a query about concerns expressed by sections of the judiciary about increasing "personal attacks," on social media, Justice Lalit struck a liberal note. "It (criticism) must be taken with a pinch of salt, so long as it is not a deliberate or a well-

thought of action or a well-thought of agenda which is getting employed” and “unless and until it doesn’t transgress to that level, we must actually take it in our stride”.

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On the question of judicial appointments, Justice Lalit said the collegium headed by current CJI N V Ramana and comprising him and Justice A M Khanwilkar (who retired recently) recommended 255 names without any kind of reservation or dissent.

He, however, suggested that given the nature of the deliberations, some kind of “opaqueness” may be necessary and preferable while discussing names of judges for elevation as views of the collegium members — besides those of the consultee judges — have to be elicited.

Asked about the demand from some quarters to increase the retirement age of judges of the SC, Justice Lalit was of the view that “it’s a matter to be considered by persons who are in charge of that particular issue, whether it’s this way or the other”.

Editorial |Access to justice framed conversation at meet presided by PM, CJI. Executive and judiciary must work together to realise it

On criticism about judges taking up post-retirement jobs, Justice Lalit said that while he himself may not take up one, he didn’t think it’s wrong to do that. “It’s individual discretion. Nothing wrong in that”, he said, adding there are anyways some statutory enactments like Lokpal and NHRC that require a retired judge and not taking up the post would mean that these posts would remain vacant.

Referring to criticism of the misuse of PIL, he cited his own work as Amicus Curiae for 18 years in the T N Godavarman case (which ushered in laws for the protection of India’s forests) and said appointing an Amicus in PILs “will insulate” it “from any kind of criticism that this is motivated petition or a private interest petition or a publicity oriented petition”.

Mind your language: Bar Council of India rebukes advocate Prashant Bhushan for ridiculing SC

<https://scroll.in/latest/1030435/mind-your-language-bar-council-of-india-rebukes-advocate-prashant-bhushan-for-ridiculing-sc>

The Bar Council of India has rebuked senior advocate Prashant Bhushan for “ridiculing Supreme Court judgements” in the cases of Zakia Jafri, activist Himanshu Kumar and the Prevention of Money Laundering Act, PTI reported on Saturday.

The lawyers’ body said that Bhushan was misusing the freedom of speech and expression and indulging in an “anti-India tirade”.

The judgements in Zakia Jafri and Prevention of Money Laundering Act cases have been denounced by the Opposition and members of the civil society saying that they either encroach on fundamental rights or favour the Centre.

The Supreme Court dismissed Zakia Jafri’s petition on June 24, saying that the petition had been filed “to keep the pot boiling for ulterior design”.

Zakia Jafri is the wife of former Congress MP Ehsan Jafri, who was among 69 persons killed when a mob went on a rampage at the Gulberg Society in Ahmedabad on February 28, 2022. She and activist Teesta Setalvad had challenged a Special Investigation Team report on the 2002 Gujarat riots that had cleared Narendra Modi, who was then the chief minister of the state.

On July 27, a three-judge bench of the Supreme Court, headed by Justice AM Khanwilkar, upheld the core amendments made to the Prevention of Money Laundering Act that gives the government and the Enforcement Directorate virtually unbridled powers of summons, arrest and raids.

Bhushan on August 10 said that these judgements were very painful. “This takes the assault of the Supreme Court or abdication of its duty to a different level where the person who has petitioned the Supreme Court is now being penalized of having approached the Supreme Court.”

Bhushan was referring to the case about activist Kumar who has been asked to pay Rs 5 lakh after he filed public interest litigation demanding an investigation into the killings of 17 Adivasis in Chhattisgarh in 2009. The court also ordered an inquiry against Kumar and his co-petitioners.

In his speech, Bhushan also discussed the practice of judges accepting posts after their retirement. He cited examples such as the nomination of former Chief Justice of India Ranjan Gogoi as a Rajya Sabha MP and Justice Arun Mishra, who was made the chairman of the National Human Rights Commission.

On Friday, the Bar Council of India said that no one has the authority to ridicule the Supreme Court, its judges or the judiciary.

Chhattisgarh Top in Encounter: एनकाउंटर में छत्तीसगढ़ पूरे देश में टॉप, दूसरे नंबर पर है उत्तरप्रदेश

<https://www.patrika.com/raipur-news/chhattisgarh-top-in-encounter-in-india-uttar-pradesh-at-2nd-7712184/>

भले ही फिल्मों में मुंबई पुलिस को एनकाउंटर स्पेशलिस्ट बताया जाता है, अब तक 56, एनकाउंटर जैसी फिल्में बनाई जाती हैं लेकिन धरातल पर जो आंकड़ों की हकीकत है उसमें छत्तीसगढ़ पुलिस (Chhattisgarh Top in Encounter) पूरे देश में एनकाउंटर में हुई लोगों की मौत के मामले में नंबर वन है। केंद्रीय गृह मंत्रालय के आंकड़े के अनुसार एक जनवरी 2017 से लेकर 31 जनवरी 2022 तक पूरे देश में पुलिस से मुठभेड़ में 655 लोगों की मौत के मामले दर्ज हुए हैं। इसमें से सबसे ज्यादा छत्तीसगढ़ पुलिस के नाम से दर्ज है और वो संख्या 191 है, यानि कि प्रदेश की पुलिस पूरे देश में इस मामले में नंबर वन पर है। केंद्र सरकार की ओर जारी लिस्ट में गौर करने वाली बात यह है कि जहां भी एनकाउंटर में मौत की संख्या दो से तीन अंकों में दिख रही है वो अधिकांश या तो उग्रवाद प्रभावित राज्य हैं या फिर आतंकवाद से पीड़ित राज्य हैं।

Chhattisgarh Top in Encounter: एनकाउंटर में छत्तीसगढ़ पूरे देश में टॉप, दूसरे नंबर पर है उत्तरप्रदेश

उत्तरप्रदेश पुलिस नंबर दो पर

मंत्रालय की ओर से एनएचआरसी यानि राष्ट्रीय मानवाधिकार आयोग के डेटा का हवाला देते हुए बताया गया है कि लिस्ट में सबसे बड़े राज्यों में शुमार उत्तरप्रदेश का नाम दूसरे नंबर पर आता है। यहां पुलिस मुठभेड़ में हुई लोगों की मौत के 117 मामले दर्ज हुए हैं।

नक्सली या आतंकवादी किसका एनकाउंटर

हालांकि इस आंकड़े में यह नहीं बताया गया है कि पुलिस मुठभेड़ में जिनकी मौत हुई है उनकी प्रोफाइल क्या है, क्या वो आम आदमी हैं, नक्सली हैं या फिर आतंकवादी हैं। लेकिन प्रश्न की जो प्रकृति है उससे स्थिति थोड़ी स्पष्ट होती दिखती है। सवाल में यह भी पूछा गया है कि मुठभेड़ में मारने के आरोप में कितने पुलिस वालों पर जांच चल रही है और कितनों को दोषी ठहराया गया है।

सबसे ज्यादा प्रदेश में मारे गए नक्सली

एनकाउंटर के बाद अब देश में नक्सलियों के मारे जाने के आंकड़े की बात करें तो इसमें भी प्रदेश नंबर वन पर है। वर्ष 2017 से 2021 तक 376 वामपंथी उग्रवादियों को मारा गया है।

जबकि इन्हीं 4 वर्षों में महाराष्ट्र में 135 वामपंथी उग्रवादियों को मारा गया है। वहीं झारखंड में 85, ओडिशा में 59, तेलंगाना में 23 उग्रवादी मारे गए हैं।

पुलिस मुठभेड़ में मारे गए लोग

राज्य संख्या

छत्तीसगढ़ 191

उत्तरप्रदेश 117

असम 50

झारखंड 49

ओडिशा 36

जम्मू कश्मीर 35

महाराष्ट्र 26

हरियाणा 15

तमिलनाडु 14

अरुणाचल 13

मध्यप्रदेश 13

तेलंगाना 13