

## **JU Student s Death: NHRC Sends Notice To WB Govt And Registrar Of University**

<https://www.freepressjournal.in/education/ju-students-death-nhrc-sends-notice-to-wb-govt-and-registrar-of-university>

The statement also mentioned that the report must also contain the measures being initiated by the State Government for spreading awareness about the menace of ragging amongst the Student Community and Teaching Associations throughout the state.

Kolkata: The National Human Rights Commission (NHRC) on Monday had sent notice to West Bengal government and Registrar of Jadavpur University (JU) over the death of the student due to alleged ragging. According to a press statement issued by NHRC, the Commission has issued a notice to the Chief Secretary, Government of West Bengal calling for a report in the matter within four weeks. It should include the reasons for the prima facie failure of the institution to take adequate steps to prevent ragging in accordance with the UGC regulation, and the steps taken or proposed to punish the perpetrators of the ragging including its abettors and sympathizers.

The statement also mentioned that the report must also contain the measures being initiated by the State Government for spreading awareness about the menace of ragging amongst the Student Community and Teaching Associations throughout the state. Incidentally, representatives from UGC board is likely to visit the JU's campus on Wednesday.

Chief Minister Mamata Banerjee while addressing a programme, lashed out at CPI (M) over the death of the student as the Jadavpur University is still said to be the citadel the Left Front.

"There are several incidents of violence in the paat by the Marxists. They think JU is their Red Fort. I go to several places but dont like going to JU. Only by being good in studies one cannot be a good human being. This CPI (M) sometimes join alliance with Congress and sometime with BJP. The students who are interested in doing politics should never join BJP or CPI (M). The dead student's father told me that his son was tortured and then thrown down. Police is not allowed to enter JU and they dont even allow installation of CCTV cameras," slammed Mamata.

On the other hand the Registrar of the varsity who came after four days said that proper probe is going on.

**MAHANGA DEATH**

# Letter of girl viral on social media

**EXPRESS NEWS SERVICE @ Cuttack**

A hand-written letter of a class X student of Mahanga, whose body was found under mysterious circumstances, has gone viral in social media further deepening the mystery shrouding her death.

This comes days after an audio clip in which a BJD leader can be heard asking the victim's mother for ₹70,000 to suppress the case, gave a new twist to the incident. Subrat Dash, state president of 'Nyaya Pain Ladhei Parivar' on Wednesday filed an FIR in Mahanga police station and lodged a complaint with NHRC in this regard.

While the deceased's father alleged attempts are being made to malign his daughter, Cuttack SP (Rural) Mihir Panda said investigation is on to find out the reason that led to the death of the class X student of Gokan High School.

Meanwhile, police quizzed local BJD leader and former Mahanga block chairman Sarat Nayak on the school premises.

## SC Dismisses PIL Seeking Internal Security Council

<https://asianatimes.com/sc-dismisses-pil-seeking-internal-security-council/>

The Supreme Court of India has recently dismissed a Public Interest Litigation (PIL) that sought the establishment of an Internal Security Council tasked with supervising national and state-level investigating agencies. While acknowledging the importance of ensuring accountability and transparency in law enforcement, the court held that the nature of the relief sought was a policy, and the same is not the domain of the judiciary but the legislature. Thus, the writ jurisdiction of the court could not be exercised.

### Supreme Court Dismisses PIL Seeking Establishment of Internal Security Council for Oversight of Investigating Agencies

In a significant ruling, a bench of the Supreme Court comprising Chief Justice D Y Chandrachud, Justice J B Pardiwala and Justice Manoj Misra pronounced the dismissal of the PIL that advocated for the creation of an Internal Security Council. The PIL contended that the proposed council would enhance oversight and coordination among investigating agencies, ensuring their actions adhere to established legal norms and principles.

It sought the Centre to set up a national-level agency to deal with crimes such as smuggling, large-scale political violence, narcotics insurgency, inter-state trafficking, etc., and the setting up of a National Internal Security Coordination Council under the control of a committee set up by the President and on the recommendation of the Chief Justice of India. Additionally, it sought that the council would not come under any legislative body or the government. Court's Rationale for Dismissal: The Supreme Court, in its detailed judgment, elucidated that the PIL's objectives were well-intentioned; however, the nature of the relief sought was a policy, and the same is not the domain of the judiciary but legislature. Moreover, a multiplicity of supervisory bodies could lead to confusion and hinder the efficiency of the investigating agencies. Besides, the judiciary and various statutory bodies already oversee law enforcement agencies, ensuring checks and balances. Appreciation for Concerns and Reiteration of Existing Mechanisms: While dismissing the PIL, the court acknowledged the petitioner's apprehensions about potential abuse of power and lack of transparency within investigating agencies. The judgment underscored the importance of upholding the rule of law and safeguarding citizens' rights. However, the court reiterated that the judiciary, in its capacity, continues

to be vigilant in addressing any violations of due process and fundamental rights by investigating agencies. Role of Judiciary and Statutory Commissions: The Supreme Court highlighted plays a pivotal role by the judiciary in upholding the constitutional rights of citizens. It also referred to various statutory commissions, such as the National Human Rights Commission (NHRC), tasked with investigating complaints of human rights violations by law enforcement agencies. The court emphasized that these mechanisms serve as essential safeguards against abuse of power. Balancing Accountability and Autonomy: There is a balance between the need for accountability and the necessity of ensuring the autonomy of investigating agencies

in carrying out their duties, and excessive interference could hamper the agencies' ability to function effectively. Conclusion: The dismissal of the PIL seeking the establishment of an Internal Security Council underscores the Supreme Court's faith in the existing legal and institutional mechanisms to ensure accountability and transparency within investigating agencies. While appreciating the petitioner's concerns, the court has reaffirmed its commitment to upholding citizens' rights and maintaining a delicate equilibrium between oversight and operational autonomy. As the nation's highest judicial authority, the Supreme Court continues to play a pivotal role in safeguarding the rule of law and preserving the democratic fabric of India

## **Court judgements cannot be a sole criteria for assessing age of consent issue**

<https://timesofindia.indiatimes.com/home/sunday-times/court-judgements-cannot-be-a-sole-criteria-for-assessing-age-of-consent-issue/articleshow/102760105.cms?from=mdr>

An increasing number of courts are seeking a revision in the age of consent arguing that it criminalises adolescent sexuality. Age of consent –or the age at which sexual intercourse is considered legal–is 18 years in India. The Law Commission is currently considering the controversial issue that has deeply divided the child rights community. Supreme Court lawyer and child rights activist Bhuwan Ribhu opposes lowering the age of consent and says that court judgements– where Protection Of Children from Sexual Offences (POCSO) cases have been dropped because the girl gave consent– should not be taken as a sole criteria for such a decision. You disagree with the demand that the age of consent under POCSO should be lowered from 18 years. Why is that?

The demand to introduce the concept of consent in POCSO Act arises due to a misconception that in elopement or consensual relationship cases in schools amongst adolescents, the law is being misused. As the law stands today, a case of consensual sexual intercourse between two minors can only come forward when one of them (in most cases, girl) alleges that she has been subjected to sexual intercourse. Her statement needs to be taken at face value, especially in our country where a majority of sexual abuse cases are not reported because of societal stigma.

In cases of elopement, the complaint is not under POCSO but under the laws of kidnapping, which attract a punishment of seven years in jail. Charges under POCSO are not added until the girl gives her statement. To disempower a victim by saying that her statement should not be taken at face value and is only under pressure from parents, is a misconstrued notion. In genuine cases of consensual relationships when the accused is a minor and consent is being debated, the accused is tried under the provisions of the JJ Act and is not sent to jail. A juvenile is tried as an adult after a rigorous system of preliminary investigation only if the crime is of heinous nature. It is also important to acknowledge that in this age group there are at least 14 different categories of offence in POCSO cases--incest, abuse in child care institutions, caste-based violence and online sexual abuse, among others. Only one of these categories is about consenting adolescents.

You have spoken about how court judgements should not be taken as the sole criteria for amending the POCSO law. Can you explain why? First, any assessment of judgments does not capture the factual position on the ground. This is particularly true for higher courts where the case is fraught with multiple delays. It is crucial to note that these judgments are based on statements given by the victims two to three years into the trial rather than their very first submissions. POCSO victims change their statements during the course of the trial

because they feel powerless taking recourse in the judicial system where we have had insensitive comments and orders--asking them to name their rapists or even observing that skin-to-skin contact with the accused was necessary to establish a case under POCSO. After a hue and cry, these observations were expunged and orders quashed but the disillusionment felt by the victim cannot be reversed.

Many of them are disgruntled over prolonged delays and want to move on. Others are made to admit to consensual relationships out of coercion, threat and influence by the accused.

In cases of trafficking for commercial sexual exploitation, the law clearly states that consent is immaterial in the determination of an offence. However, the victims get an additional layer of safety during the trial through the provisions of the POCSO Act which shift the burden of proof on the accused.

In cases where a victim of trafficking is a minor and is being exploited or raped after payment, such payment or transaction would imply consent. And such consent arising out of a lack of alternatives and compelling the child to sell her body and being victimized daily in sexual exploitation can never be construed as a consensual relationship. The National Human Rights Commission report (2002-03) noted that 25% of girls in prostitution or sexual exploitation were between 15-18 years of age. Around 12 lakh minor girls were in commercial sex, suggested a 2009 study by the Ministry of Women and Child Development.

I am sure that this number has reduced substantially because of the introduction of specific laws against trafficking and also due to POCSO. Introducing the element of consent for girls between 15-18 years of age will once again make these children vulnerable to trafficking and sexual exploitation. I've been associated with at least 221 POCSO cases between 2021 and 2023 from eight states in which victims turned hostile.

Reasons behind a victim changing her mind can be varied. It can be a genuine consensual relationship or a rape case in which the victims or witnesses lose their faith in the system. They may change their statements due to the delay in trial, lack of compensation, continued social stigma, lack of rehabilitation, social support and lack of victim witness protection. We require a fresh investigation to probe why the victim turned hostile.

In a gang rape case where a minor victim appeared before the Delhi high court in July along with the lawyer of the main accused and told the court that she did not recognise her lawyer and had no objection if bail was granted to the accused. Previously, in May, the victim told the trial court that the accused sexually abused her. In another example in September 2021, a 15-year-old girl gave a statement before the magistrate saying that she was sexually abused by her mother's friend, a 22-year-old man. She took abortion pills. In November 2022, she told the lower court during trial that it was a consensual relationship.

These and many such cases are clear cases of approach or coercion--something that no judgment can capture. Such a change of mind and heart requires the court to order a fresh probe as opposed to defeating the ends of justice by accepting consent at face value.

Our justice system is based on the premise that it is better to let a guilty go unpunished, rather than allow an innocent to be unjustly incarcerated. Then what would you suggest as a solution to those young boys and girls who are unjustly criminalised for their behaviour under the present law.

In our attempts to ensure that no innocent should be unjustly incarcerated, we have created a society where hundreds of guilty people are roaming scot free. Criminals enjoy impunity because legal deterrents are not being enforced in letter and spirit as effectively as they should be.

The principle you mentioned is based on the rights of the accused, and I am all for it. But it is also important to respect the rights of the victim. Our lawmakers created POCSO as a special law where the burden of proof is on the accused in the spirit of providing speedy justice.

Under POCSO, trials have to be completed within a year. In rape cases, trial has to be completed within two months as much as possible after filing of charge sheet. If at all POCSO requires an amendment, that amendment should be worded in such a manner that no element of consent is introduced and there are checks and balances to ensure that a person in a relationship is not unfairly prosecuted.

There are ways through which we can avoid criminalising genuine consensual relationships between adolescents. Consent is a nuanced theme. We have to take into account factors such as the victim and the accused having known each other for a period of two years or more, the accused having no prior history or complaint of any offence under this law, where the age difference between them is less than three years and there is no element of trafficking or any other form of sexual exploitation, blackmail, coercion or threat. Cases can be referred to the high court for quashing or minimum punishment can be prescribed.

## **NHRC seeks action taken report on death of Korean photojournalist in Bhubaneswar**

<https://www.orissapost.com/nhrc-seeks-action-taken-report-on-death-of-korean-photojournalist-in-bhubaneswar/>

Bhubaneswar: National Human Rights Commission (NHRC) has issued fresh notices to the Commissioner of Police Bhubaneswar and Cuttack and Khurda District Collector to submit

report on the action taken on the allegation of death of a Korean photo Journalist in Bhubaneswar January 11. The photojournalist from South Korea allegedly died after falling into an open drain January 11, 2023. The NHRC issued the direction Wednesday to submit report before September 23 next on the complaint of Human Rights defender. The Human Rights defender had alleged that such fatal incidents are happening on regular basis on account of negligence on part of officials of municipal corporations and others and hence sought an intervention for strict action to thwart such accidents and for compensation to next of kin of the victim. The NHRC had earlier June 6 issued reminders to the Commissioner of Police, Bhubaneswar, Cuttack and District Magistrate, Khurda as well as Commissioner, Bhubaneswar Municipal Corporation for filing detailed reports.

The Commission had received the report from both the Police Commissionerate, Bhubaneswar Cuttack and Khordha district magistrate in April. In the report, the Deputy Commissioner of Police had mentioned details about the incident but nothing was stated whether any cognizable offence is made out in the matter on account of negligence on the part of the concerned persons, who are responsible for maintaining the drain. Since no report was received from Commissioner, Bhubaneswar Municipal Corporation, the NHRC issued a fresh reminder to the Commissioner of Police, Bhubaneswar, Cuttack and District Magistrate, Khurda as well as Commissioner, Bhubaneswar Municipal Corporation to submit the requisite reports clarifying as to who is responsible for the incident. Pursuant to the same various communications received from them which were mostly internal communications. However, Bhubaneswar Municipal Corporation had submitted a report July 19 last wherein it submitted that the drain in question has been constructed and maintained by R&B, Bhubaneswar.

In view of the report from the Bhubaneswar Municipal Corporation, the NHRC had issued fresh reminders to the Commissioner of Police, Bhubaneswar, Odisha as well as the District Magistrate, Khurda to clarify as to what is meant by R&B. The Commission has called for details of the department to be clarified and an appropriate report to be submitted within four weeks. It also issued the final reminder to the Commissioner of Police, Bhubaneswar, Odisha to clarify whether any cognizable offence is made out or not, and what action has been taken on their part in this regard. The NHRC sought the additional/complete report in the matter latest by September 23 for further consideration by it.



## जादवपुर कांड के खिलाफ भाजपा का चार दिवसीय धरन

<https://www.hindusthansamachar.in/Encyc/2023/8/16/bjp-will-protest-in-the-matter-of-Jadavpur-university.php>

कलकत्ता, 16 अगस्त (हि.स.)। पश्चिम बंगाल भारतीय जनता पार्टी युवा मोर्चा जादवपुर विश्वविद्यालय के छात्रों को लेकर चार दिनों तक धरना करेगा। बुधवार से शुरू हुआ आंदोलन शनिवार दोपहर तक रहने वाला है।

भाजपा की ओर से बताया गया है कि पार्टी के केंद्रीय, राज्य और जिला नेता मौजूद रहेंगे। 8वीं बस स्टैंड के पास हो रहा है।

संयोग से, पश्चिम बंगाल बाल संरक्षण आयोग ने पहले ही विश्वविद्यालय अधिकारियों को कार्रवाई का पत्र भेजा है कि जादवपुर विश्वविद्यालय में रैगिंग से संबंधित नियमों का पालन क्यों नहीं कि **मानवाधिकार आयोग** ने भी पश्चिम बंगाल सरकार को नोटिस भेजा है और विश्वविद्यालय के

## जादवपुर कांड के खिलाफ भाजपा का चार दिवसीय धरना

<https://udaipurkiran.in/hindi/bjps-four-day-protest-against-jadavpur-incident/>

कलकत्ता, 16 अगस्त . West Bengal भारतीय जनता पार्टी युवा मोर्चा जादवपुर विश्वविद्यालय के student की मौत को लेकर चार दिनों तक धरना करेगा. Wednesday से शुरू हुआ आंदोलन Saturday दोपहर 12 बजे तक जारी रहने वाला है.

भाजपा की ओर से बताया गया है कि पार्टी के केंद्रीय, राज्य और जिला नेता मौजूद रहेंगे. यह प्रदर्शन जादवपुर 8बी बस स्टैंड के पास हो रहा है.

### बरसात में पानी-पानी हुआ श्रीरामपुर

संयोग से, West Bengal बाल संरक्षण आयोग ने पहले ही विश्वविद्यालय अधिकारियों को कारण बताओ नोटिस देकर पूछा है कि जादवपुर विश्वविद्यालय में रैगिंग से संबंधित नियमों का पालन क्यों नहीं किया जा रहा है. राष्ट्रीय मानवाधिकार आयोग ने भी West Bengal सरकार को नोटिस भेजा है और विश्वविद्यालय के अधिकारी ने इस पर जवाब दिया है. आरोप है कि हॉस्टल में रैगिंग की वजह से प्रथम वर्ष के student स्वप्नदीप कुंडू की जान गई है.

## जानें कौन हैं IPS शत्रुजीत कपूर जिन्हें बनाया गया हरियाणा का नया DGP, लिस्ट में इन अधिकारियों का नाम भी था शामिल

<https://www.jansatta.com/national/haryana-government-ips-upsc-dgp-shatrujeet-kapur-police/2963231/>

हरियाणा में प्रदेश पुलिस का नया प्रमुख आईपीएस शत्रुजीत कपूर को बनाया गया है। पंद्रह अगस्त को डीजीपी पीके अग्रवाल रिटायर हुए थे, जिसके एक दिन बाद अब नए डीजीपी की तैनाती की गई है। हरियाणा भ्रष्टाचार निरोधक ब्यूरो के महानिदेशक रहे शत्रुजीत कपूर का नाम का ऐलान बुधवार को किया गया है। सूत्रों के मुताबिक हरियाणा के मुख्यमंत्री मनोहर लाल खट्टर कपूर को राज्य का नया डीजीपी चुनने के इच्छुक थे। सुप्रीम कोर्ट के फैसले के अनुसार कपूर को कम से कम दो साल की अवधि के लिए नियुक्त किया गया है। तीन अधिकारियों के नाम हुए थे शॉर्टलिस्ट संघ लोक सेवा आयोग (यूपीएससी) ने पहले इस पद के लिए हरियाणा कैडर के तीन आईपीएस अधिकारियों के नाम सामने रखे थे। इनमें आरसी मिश्रा, मोहम्मद अकील, शत्रुजीत कपूर को शॉर्टलिस्ट किया गया था। राज्य सरकार ने पी के अग्रवाल का कार्यकाल मंगलवार को समाप्त होने के साथ कपूर को अगले डीजीपी के रूप में चुना। कपूर 1990 बैच के आईपीएस अधिकारी हैं।

हरियाणा सरकार ने नए डीजीपी के रूप में चयन के लिए 10 आईपीएस अधिकारियों का एक पैनल यूपीएससी को भेजा था। पैनल में हरियाणा कैडर के सबसे वरिष्ठ आईपीएस अधिकारी मनोज यादव का नाम नहीं था। यादव, जो वर्तमान में राष्ट्रीय मानवाधिकार आयोग के महानिदेशक (जांच) के रूप में काम कर रहे हैं, ने राज्य सरकार को एक वचन दिया था कि वह बल का नेतृत्व करने के लिए हरियाणा वापस नहीं आना चाहते हैं।

### शत्रुजीत कपूर के बारे में

शत्रुजीत कपूर का जन्म 21 अक्टूबर 1966 को हुआ था। वह पंजाब के फगवाड़ा के रहने वाले हैं। शत्रुजीत कपूर साल 1990 बैच के IPS अधिकारी हैं। उन्होंने बीटेक (मैकेनिकल इंजीनियरिंग) की डिग्री हासिल की है।

शत्रुजीत कपूर कुरुक्षेत्र और हिसार में रहे थे। उनकी नियुक्ति बतौर SP 1995 में भिवानी में हुई थी। इसके बाद वे करनाल में एसपी हाईवे पैट्रोल एंड रोड सेफ्टी भी रहे। साल 2002 और 2005 में सीबीआई में एसपी और व डीआईजी के पद पर भी काम किया।