

Times of India

## **BJP politicising arrest of right-wing activist: Cong**

<https://timesofindia.indiatimes.com/city/mysuru/bjp-politicising-arrest-of-right-wing-activist-cong/articleshow/106587847.cms>

Mysuru: KPCC spokesperson HA Venkatesh on Friday accused BJP leaders of politicising the issue of arrest of right-wing activist Srikanth Poojary from Hubballi for allegedly being involved in riots that happened during the Shri Ram Janmabhoomi protests in 1992.

Speaking to reporters, he claimed that the BJP leader's campaign of 'arrest me too' is against the law of the land. He said that police have arrested Srikanth as a regular process of law.

He criticised former minister GT Devegowda, who is also state JD(S) core committee president, for asserting that Congress chief Mallikarjuna Kharge is not a suitable candidate to be prime minister candidate against PM Narendra Modi. As Devegowda came from a feudal family, he doesn't know about the travails of the poor and sentiments of the weaker sections, Venkatesh said.

"Kharge is one of the tall Dalit leaders of the country. Instead of supporting a Kannadiga, he is supporting the PM," he said.

Meanwhile, former VC P Venkataramaiah expressed his displeasure against the Union government for passing bills by suspending 146 opposition parties MPs at the recently held parliamentary session. Such developments threaten core democratic values, he said.

Mysuru district Congress president BJ Vijaykumar said that Congress high command will soon finalise a suitable candidate to contest from Mysuru Lok Sabha constituency. Including me, there are 14 aspirants vying to contest, he said.

We also published the following articles recently

Periyar University VC was arrested due to pressure from former TN minister Ponmudy, BJP leader Annamalai says  
BJP alleges Salem city police arrested Periyar University vice-chancellor R Jagannathan due to pressure from former higher education minister K Ponmudy. BJP leader to write to Amit Shah, urging action against Tamil Nadu DGP and Salem city commissioner of police. BJP demands severe action against errant police officials. National Human Rights Commission urged to take this as a suo motu case as police officials violated the law by keeping the VC in a jeep for four hours at an undisclosed location.106518398

BJP's lies are the strongest: Congress chief Mallikarjun Kharge  
Congress president Mallikarjun Kharge criticizes BJP for its lies regarding doubling farmers' income, as promised. He points out that it is the last day of 2023, but the BJP's commitments for

2022 remain unfulfilled. Kharge highlights the unachieved goals of doubling farmers' income, providing houses and 24x7 electricity to every Indian, and making the economy worth USD 5 trillion. He asserts that the BJP's lies are the strongest. Meanwhile, Prime Minister Narendra Modi discusses the country's achievements in 2023, including the improvement in the Global Innovation Index rank and the success in sports events.106418619

B K Hariprasad warns of Godhra-like incident' in Karnataka; BJP demands arrest of Congress leaderCongress leader BK Hariprasad stirs controversy by claiming the possibility of a Godhra-like incident in Karnataka during the consecration ceremony of Ram temple in Ayodhya. BJP demands his arrest. Hariprasad alleges that certain organizations have instigated BJP leaders in other states. BJP leaders condemn the statement and call for immediate action. Hariprasad also states that the consecration ceremony should be seen as a political event, not a religious one.106516431

New Age

## **Family still cries for justice**

Border killings on the rise

<https://www.newagebd.net/article/222163/family-still-cries-for-justice>

The wait for justice for Felani Khatun's family has continued for the past 13 years since the teenage girl was shot dead by the Indian Border Security Force on this day on the border in Kurigram in 2011.

Her death anniversary returns at a time when the country is witnessing a rise in border killings. At least 30 Bangladeshis were killed in BSF firing on borders in 2023 alone.

Meanwhile, Amar Bangladesh Party, also known as AB Party, held a pre-election press conference on Saturday in which its leaders said that holding the national election on 'Felani Day' is a dual betrayal of the country's democracy and electoral system.

Felani, a 15-year-old girl, was shot dead by the BSF in Anantapur border under Phulbari upazila in Kurigram on January 7, 2011, when she was returning home crossing barbed-wire fences erected by India.

Her body was left hanging from the barbed-wire fence for five hours and the news sparked outrage and protests at home and abroad.

Human rights reports show border killing have continued despite repeated assurances of zero killings by the BSF.

On her 13th death anniversary, Felani's family will arrange a prayer session and distribute food among the poor people in her village home at Banarbhita of Ramkhana union at Nageswari in Kurigram.

Talking to New Age, Felani's mother Jahanara Begum lamented that they were still waiting for justice.

Nur Islam Nuru, Felani's father, said that they were still seeking justice.

On August 19, 2011, Felani's parents travelled to the BSF office at Cooch Behar district of the West Bengal province of India to give evidence before the Security Force Court at the trial of BSF constable Amiya Ghosh, accused of the murder, but they were allowed neither to attend nor observe the trial.

On September 6, 2013, Amiya Ghosh was acquitted.

On July 29, 2015, Fenali's father, Mohammad Nurul Islam, and Kirty Roy of Banglar Manabadhikar Suraksha Mancha, or Masum in short, jointly filed a writ petition with the Supreme Court of India, praying that a Central Bureau of Investigation team should be formed comprising officers from outside of West Bengal to take over the investigation of the case and prosecute the offenders in accordance with the law.

Kirity Roy is the secretary of the Kolkata-based Indian human rights organisation Masum.

In February 2020, an Indian High Court bench posted the Felani killing case for further hearing on March 18, after the Indian government had submitted its argument during the hearing.

Felani's father also asked for compensation.

Kirity Roy told New Age that because India has not taken meaningful actions, the killings, torture and rape of both Bangladeshi and Indian citizens by the BSF have continued.

Kirity said that all the respondents have replied to the High Court by now, but the matter is yet to be heard on technical reason. 'We hope it will be heard very soon,' he told New Age over phone on Saturday.

Nasima Begum, the then chairman of the National Human Rights Commission of Bangladesh, sent a letter on November 29, 2021, to the Indian National Human Rights Commission, seeking effective advocacy with the Indian government to address continued killings of Bangladeshis.

Arun Kumar Mishra, the incumbent chairman of the Indian National Human Rights Commission, is yet to reply the letter, the NHRC officials told New Age.

India did not reply to their letter, while the then chairman, Nasima, inquired about the matter with Indian rights officials on the sidelines of the 3rd United Nations South Asia Forum on Business and Human Rights held in Dhaka in March 28–30, 2022.

'As you are aware, the killing of Bangladeshi girl Felani at the India-Bangladesh border by BSF in January 2011 created mass grievance both in India and Bangladesh. Human rights defenders in both countries raised concerns on this,' said the letter.

CounterCurrents

## **SIPCOT Industrial Park Protesters Harassed**

<https://countercurrents.org/2024/01/sipcot-industrial-park-protesters-harassed/>

Twenty-one people were arrested on November 3/4th, and 20 were detained in Violation of due process of arrest[1]. They were taken to different police stations and detained at Vellore Central Prison. Some poresters were excluded and were subjected to solitary confinement in the high-security block at Vellore Central Prison.[2] The arrested poresters were further isolated from their fellow inmates and family and were placed in Several Central Prisons like Madurai Central Prison, Palayamkottai Central Prison, Coimbatore Central Prison, Cuddalore Central Prison and Trichi Central Prison. The Rest were detained at Vellore Prison.

Since July 2, 2023, farmers have been engaged in a peaceful protest against the acquisition of 3,174 acres of wetlands by SIPCOT for an industrial park. The project stretches over nine villages and is proposed on agricultural lands, severely impacting the farmers' livelihood. Instead of engaging in a meaningful dialogue with the farmers regarding their concerns, the government of Tamil Nadu has responded with a crackdown on their peaceful protest and the criminalisation of human rights defenders and leaders associated with it.

The Police and district administration had targeted the active participants of the protest against seven members by invoking the Goondas Act (Preventive Detention Act) on November 15, 2023. A Prison in Transit warrant was issued to stop their release on bail. As this matter gained public attention, the present Chief Minister of Tamil Nadu, On 22nd November 2023, announced that six of the seven members against whom the Goondas Act was invoked were revoked.[3] On 21st November 2023, before the press release, the families of the arrested poresters were approached by present government party leaders and were intimidated to obtain letters from the family members. That the families will not protest against SIPCOT land acquisition- only then will the Goondas Act will be revoked.

Bottom of Form

There were 11 FIRs filed against the poresters, and specifically, five FIRs were registered on September 28, 2023, with the same content, except the complaint's names and details. Invoking the Goondas Act against the poresters is against the directions of the Hon'ble Madras High Court and Supreme Court of India in H.C.P (M.D) No 1710 of 2022 dated November 14, 2022, and SLP Criminal No 1173 and 1174 of 2023, respectively.

Despite the violation of following the court's order, they had specifically targeted Mr Arul, S/o Arugumugam. The HRD, Mr. Arul, is an active participant in the Chennai to Salem Highway land acquisition protest and advocates for farmers' rights and livelihoods.

The Tamil Nadu Government delayed the withdrawal of the detention order under the Goondas Act against the HRD Mr. Arul Arugumugam, who continued to be in detention in Palayamkottai Prison.[4]

Human Rights Defenders Alert approached the National Human Rights Commission (NHRC) on 28 November 2023, NHRC case No. 3025/22/37/2023. The NHRC disposed of the case with “directions to the concerned authority to take such action as deemed appropriate within 8 weeks”.

A habeas corpus petition was filed before the Madras High Court in HCP No 2381 of 2023; the case was posted on December 4, 2023. On that, the court could not sit due to floods in Chennai, so the judges passed an order giving four weeks’ notice. When the court reopened, a miscellaneous petition in Crl. M.P No. 19708 of 2023, seeking to advance the hearing of the case, was filed. This came up before the division bench of the high court on 19th December 2023. The judges pointed out, “One person raised his voice, and they are threatening him as a villain, here the livelihood of the farmers is affected, the agricultural land is used for commercial purpose”. The judges stated that Mr Arul is an HRD fighting for a public cause, the land owners participated in the agitation, and the allegation of traffic disruption and damage of public property is made in all the cases registered against the protesting farmers.

They questioned the public prosecutor, “Very good lands which are suitable for agriculture are taken away, affecting the livelihood of the farmers without rehabilitation; no court will tolerate that, so why should individuals tolerate this?”

The court noted that this was purely political detention and ordered all files related to this public hearing of the SIPCOT project to be furnished by the next hearing date on 4 January 2024.[5]

On 4th January 2024, the public prosecutor should have filed the counter and furnish the records as ordered by the court. He further stated that the state is going to release the HRD Arul, and if the case is pursued further, the prayer will be infructuous. Upon the public prosecutor’s request, the court posted the case on 8th January 2024.

On 5 January 2024, the government of Tamil Nadu withdrew the detention order against HRD Arul.[6] The Civil society welcomed the decision, although delayed, and the act of continued detention, while 6 others who were similarly detained were released earlier, only pointing out the discrimination made by the government. HRD Arul was detained as a political prisoner upon the orders of the detaining authority, the advice of the advisory board and officials of the home department who had approved the detention. The civil society demands disciplinary action against the detained authorities.[7]

Ashish Reddy is an Advocate and legal researcher who is currently serving as a Regional Coordinator of Human Rights Defenders Alert (HRDA) for southern India. He is also a member of the All India Network of Individuals and NGOs working with State and National Human Rights Institutions (AiNNI).

[1] As per landmark judgement of Hon'ble Supreme Court guidelines in Arnesh Kumar v. State of Bihar (2014) 8 SCC 273 and Asfak Alam V. State of Jharkhand

[2] This high-security block is meant for terrorists and high-risk criminals.

[3]<https://www.bing.com/ck/a?!&&p=e23e7a266b6e61d3JmltdHM9MTcwNDQxMjgwMCZpZ3VpZD0yYmI5ZTQ3OS03NzcyLTZiNjgtM2RjYS1mNzg1NzY4NTZhZTYmaW5zaWQ9NTI3OQ&ptn=3&ver=2&hsh=3&fclid=2bb9e479-7772-6b68-3dca-f78576856ae6&psq=sipcot+protest+and+arrest&u=a1aHR0cHM6Ly93d3cudGhlaGluZHUuY29tL25ld3MvbmF0aW9uYWwvdGFtaWwtbmFkdS9zaXBjb3QtcHJvdGVzdC1jbS1yZXZva2VzLWRldGVudGlubi1vZi1zaXgtcGVyc29ucy11bmRlci1nb29uZGFzLWFjdC9hcnRpY2xiNjc1NDUyNTEuZWNI&ntb=1>

[4] India: Arrest of human rights defender Arul Arumugam and judicial harassment of key leaders of farmers movement in Tamil Nadu | Front Line Defenders

[5] "4. It appears that the detention order under the Act 14 of 1982 has been passed against the detenu, the husband of the petitioner herein for organising a protest against the land acquisition proposal for SIPCOT. Prima facie, this Court is unable to find any serious crime done by the detenu. The repeated allegation against the detenu is that he intimidated people for participating in the protest and prevented the willing persons from giving lands for public purpose. The fact remains that the detenu along with several others have organized a protest in a peaceful manner and the same was continuing for more than 100 days. It is in the said context, all these accusations have come.

5. Since this Court finds a motive for victimizing the detenu, the learned Additional Public Prosecutor is directed to produce all the files relating to the acquisition proposal and the public hearings, if any, conducted by the second respondent/District Collector as required under the relevant Act or the proposal and every document/communication right from the day when requisition is made by the Department for which the proposed acquisition process was initiated."

Order of the Hon'ble Madras High Court on 19 December 2023 in H.C.P No 2381 of 2023.

Guwahati Plus

## **Women's Voices From Assam's Detention Centres**

<https://www.guwahatipius.com/opinion/opinion/womens-voices-from-assams-detention-centres>

Mamoon Bhuyan (Jan 06, 2024)

The postcolonial state of Assam, India, has been floating around the debates on saranarthis (asylum seekers), anupravesdkaris (infiltrators), and detention centres. The concept of immigration and detention is not new, especially in borderland states. However, scholarly attention and vigilant journalism suggest that the treatment of individuals in immigration detention has been anything but dignified. The enclosed spaces and high walls of detention centres in Assam have many secrets that are less known to us. Especially, the lived experiences of women detainees remain opaque as they have had few opportunities to record their stories and this calls for urgent academic attention. As a part of my fieldwork while studying at Jamia Millia Islamia, New Delhi, I have had the opportunity to be an audience to many detention stories and I intend to highlight some of their lived experiences and everyday lives through this piece.

Rashida, Jelekha and Zarina

Rashida (43), a former detainee and a mother, recalls her experiences at a detention centre in Assam. 'I used almost open toilets attached to the dormitories inside the camp. I feel like I lived in hell,' says Rashida. She reveals how 'shame' and 'dignity of life' have been forever erased from her life. This reminds me of the Italian philosopher Giorgio Agamben's concept of 'nude vita' (bare life), where human rights are reduced to a mere mass of living bodies by all-sovereign powerful polity. On a conditional release from the camp, she continues to struggle to search for her lost identity, lost family, and her home. There are hundreds of mothers such as Rashida who have been separated from their families and thrown behind the undignified conditions of detention camps.

On another note, Jelekha (28) recalls her experiences in detention camp while she was pregnant. 'I ate food that had dead mosquitoes and other insects, and when I complained about this, I was abused by the authorities. I cannot describe in words how I felt all the time. I waited for death.', says Jelekha. She further mentions that she lost her child after being unable to take care of herself as a child while in detention. After a couple of months, she was found to be an Indian citizen and later released from the camp.

"I was unconscious for a whole day and the male jail staff laughed at my condition. My health deteriorated and I could not eat for many days," says Zarina (30). She broke down while recounting the horrors inside the detention camp. Eighteen months of detention have made her extremely weak both physically and mentally.



Women in detention also suffer humiliating and degrading treatment, sometimes amounting to physical violence at the hands of on-site male officials, including the invasive body searches they are subjected to. When asked about reporting of such instances, Zarina says 'no one is ready to speak out about these things as one would be punished further and sometimes not provided food for days. There is no hope of justice.'

### Justice, Dignity And Detention

In all three cases of Rashida, Jelekha, and Zarina, the larger question that arises is of uncertainty, criminalisation, and justice. These come with a sense of powerlessness among them which have only increased over time. Post-detention and release, they are subjugated and compelled to mark weekly attendance at their local police station. There is a constant fear which has been forcefully imbibed in them: the fear of being detained again and languishing in jail for years. The industrial-style detention system functions so arbitrarily in the state that suspects are randomly sent legal notifications and can be detained unexpectedly. Afterwards, the detention continues till the detained person's family exhausts every paisa to fight for the individual's release. Only a handful are successful, and the rest remain in the indefinite zone of precariousness.

The state owes a responsibility to its citizens to bring an end to such mass repression and systematic violations against the right to a dignified life. Such detention experiences serve no administrative or rehabilitative purpose but rather lead to unfair incarceration and criminalising lives. There is no difference between a proven criminal and a non-criminal detainee. Detention centres, although not intended, in any legal sense, to be punishment centres, but lived experiences of people suggest that detention is excessively punitive and is carceral in nature. Moreover, poor mental health is a predominant theme in detention centres. A study at the University of Oxford suggests that the most common mental health problems among detainees include depression, stress, anxiety, insomnia, self-harm, suicide attempts and hallucinations such as hearing voices. During my fieldwork, insomnia, self-harm and suicide attempts were reported in high proportion even though the research was not focused on health. A report by the National Human Rights Commission (2018) reveals that there is no scope of parole even in cases of sickness and death of family members of the detainees as based on the judgement of the jail authorities, parole is only a right given to convicted Indian prisoners and not to 'illegal immigrants.'

### A Road To Nowhere

There are many such Rashida, Jelekha, and Zarina in the state. The trajectories after detention appear challenging and confusing, whether they will be released or sent to another country which they do not consider home. The pains of detention are severe. It is not just to suggest that justice, criminalisation and detention are casually related to poor experience of incarceration, but these stories indicate that detention is just not physical detention; in fact, arbitrary and indefinite detention is about preserving the 'physical body' while killing the 'inner being', leaving behind a nude vita

Life fails to achieve humanity, i.e., it fails to become moral, just, and political. I encourage that the larger political structure should recognise the vulnerabilities of the detainees and take immediate humanitarian steps to end the practice of detaining individuals wrongfully.

Note: The names of the detainees have been changed to ensure anonymity.

(The author is a research scholar at Brunel University, London. All views and opinions expressed in the article are the author's own)

mathrubhumi.com

## **Don't crush a prisoner's life, don't play with his rights: SC warns Kerala Govt**

<https://english.mathrubhumi.com/features/specials/don-t-crush-the-life-of-a-prisoner-don-t-play-with-his-rights-sc-warned-the-kerala-government-1.9216633>

Koovely Joseph, Mathew Adolf

"Release the petitioner, the prisoner, with immediate effect in the interest of justice. It is ordered accordingly."

The judgement of the Supreme Court was like an ultimatum to the Kerala government indicting the bureaucrats of the Home Ministry for their insidious act of trampling upon the rights guaranteed under Article 14 to a prisoner that was fortified by the historic judgement in Sunil Batra case (1979), the division Bench then headed by justice V.R Krishnan Iyer said.

While meticulously perusing the files and jail records of the prisoner in this case submitted by the Government, the Court was deeply disturbed by the calculated and repeated injustice shown to the prisoner even setting at nought the directions given by the SC on previous occasions in similar cases.

Even the premature release that was available to him was thwarted by the evil designs of the bureaucracy. Thus, the court was compelled to come to the conclusion that the prisoner petitioner shall not be in jail even for a moment longer and was set at liberty. The order was passed accordingly.

The judgement was delivered by the SC Division Bench consisting of Justice S. Raveendra Bhatt and Justice Dipankar Datta on September 21 2023 at 10.30 AM.

The Kerala government acted swiftly, and on the same day by 7 PM, the huge iron gates of Open jail in Nettukaltheri near Thiruvananthapuram City were opened, to free Koovely Joseph, aged 67 of Angamaly in Ernakulam district who was undergoing life imprisonment since 1998.

The case against him was that he had murdered his sister-in-law in 1996 but the trial court, the Thrissur sessions court acquitted him for want of evidence. On appeal by the state the High Court in 1998 reversed the trial court judgement and convicted and sentenced him to life imprisonment.

The SC upheld that judgement three years later. For the first four years, Joseph was in Kannur Central Jail and later was shifted to an open jail in Thiruvananthapuram. The inmates of the open jail work in vegetable gardens, cattle farms and rubber-tapping units. Some are carpenters and skilled workers. They earn Rs 320 per day as wages. While Joseph was working in the vegetable garden the warden called him to his office and said,

“Joseph you have been freed by an order of the Supreme Court today. My superior officer has informed me. When do you want to go home?”

Joseph replied, “I wish to go today itself.”

Joseph got ready. By 7 PM, the warden handed over Rs 15000 to Joseph which was due to him as wages. He met most of his co-prisoners and officials of the jail. The jail bade him goodbye.

It was for the first time in the history of the Open jail since its establishment in 1962, that the iron gates were opened at an odd hour of 7 PM when all lights were turned off and inmates go to sleep.

26 Years went by like lightning. It seems everything happened just the other day. Joseph said while at his residence a few days after his release. He was euphoric as a Malayali advocate in the Supreme Court, Mathew Adolf had championed his case with dedication and was fully confident about winning. He did a masterful work and the Apex court was fully convinced of the sad plight of the prisoner. That happened so that the gates of the prison were opened for his exit armed with a historic judgement to protect the rights of future prisoners and treat them more humanely.

This judgment imbibes the spirit of the Sunil Bathra case that had thundered against the nether world in Tihar Jail under the nose of the Union Home Ministry where the wardens resorted to primitive methods of torture and a chosen few in the jail had the privilege to enjoy women, wine, narcotics and heightened facilities. It was sheer anarchy that prevailed there so shockingly perpetrated by a few wardens who were close to centres of power and were supported by political patrons A prisoner named Sunil Batra had sent a complaint to the Apex Court that was treated as a writ petition and the Court acted. It sent shock waves as the Court cleaned the Augean stables.

That landmark judgement paved the way for prison reforms. The judgement declared that a prisoner is a human being and not an animal and he does not lose his Fundamental rights when entering jail. The court declared that rights guaranteed under the Constitution can be enjoyed by a prisoner and the Court fortified Articles 14 and 21 to a great extent and declared that prisoners have a right to live with dignity. They can also resort to Article 32 to knock at the door of the Apex court when their fundamental rights are violated.

The advocate prepared the writ under Article 32 and filed it two years back. Joseph had no documents with him, he had a brief discussion with the lawyer when he had visited the Open jail where he had a few clients. All the documents necessary for Joseph's writ had to be collected by him after toiling and mulling and doing tedious research work perusing hundreds of judgments that the Apex court had delivered since the Sunil Batra case that had revolutionised prison reforms and protected the rights of the prisoners.

Many courts around the world had hailed Indian judgments related to penology and reformation of the prisoners. Drawing inspiration from the Sunil Batra case and others in the succeeding years, many State High Courts followed its spirit. Prison reforms were

initiated even in Bihar which had primitive jails and had hit headlines in the media when the notorious Bhagalpur blinding case was known to the public.

Justice P. Subramanian Poti, Chief Justice of Kerala High Court acted when a few prisoners complained. He visited the Kannur central jail and heard many of them and took remedial measures. The wages of the working prisoners were increased. The jail DGP was alerted by the Court and complaint boxes were installed in the prisons. They were opened under the supervision of District judges and most of them were referred to the high court for action as well.

Why was Joseph not released?

The Supreme Court while hearing the petition of Joseph in June 2023 was shocked to see the cruel indifference adopted towards him by the bureaucrats of the Home Ministry. He was fully eligible for remission and premature release as per section 433 A of the CrPC. Moreover, the jail advisory committee had on three occasions unanimously recommended his premature release on 10.1.2017, 26.2.2020 and 7.3.2022. The judges of the division bench were so surprised that without assigning any reason those recommendations were rejected as evidenced by the files.

Why did it happen?

The Court asked the counsel appearing for the state of Kerala. The reply was that the decision whether to grant remission or not to a prisoner is an act exercising discretion which solely fell within the domain of the executive. The prisoner cannot claim a fundamental right to release.

However, the Apex Court had to reject it and observed that the government had simply rejected it all three times. It is patently unsustainable and warrants intervention. As per the records produced by the state he has earned eight years of remission thus demonstrating good behaviour in the jail. The discussion in the minutes of the meeting of the jail advisory committee is also positive and shows that he was hardworking, disciplined and a reformed inmate. So there is no other way but to release him immediately in the interest of justice, ordered the court. The Court held that the rejection of the recommendations of the jail advisory committee was a colourable exercise of power, wholly illegal that violates the prisoners' rights under Article 14. The stand of the petitioner was that many inmates who have completed fourteen years of imprisonment have been released while he was singled out though he was fully eligible for release. Advocate Mathew Adolf was of the view that due to the timely interference of the court, his petition under Article 32 was treated like a habeas corpus petition that ultimately freed the prisoner from incarceration which looked like illegal detention.

The Court had reminded the government that when making a decision it has to be fair, reasonable and not arbitrary. The court has emphasised in many judgments, the recent judgement was delivered by a division bench headed by the Chief Justice in August 2021

when it was observed that decisions on remissions shall be fair or the prisoner can allege that his rights under Article 14 have been violated and the court has to scrutinise this.

Usually, when prisoners approach the court for release it generally directs the government to consider the same. On rare occasions, only the court passes orders to release when evidence is there to substantiate arbitrary and illegal stands of the government.

So the court in the judgement made a very serious observation that the petitioner has already undergone 26 years of imprisonment. We do not redirect the petitioner to undergo yet another consideration before the jail advisory committee. It would be a cruel outcome like being granted only a salve to fight a raging fire in the name of procedure. The grand vision of the rule of law and the idea of fairness is then will be swept away at the altar of procedure, which this Court has repeatedly held to be a handmaiden of justice

At the time when the petition was heard the state government had a different argument also apart from what was stated in the counter affidavit. The court was informed of an executive order the government had issued on 4. 6, 2022. It was held by the government that persons who murdered women and children and persons who murdered with rape are one of the categories of prisoners who are not eligible for premature release in the future.

The Apex court did not approve this. The court said that exclusion is made by an executive order. That directive or guideline is over and above the Act. A blanket exclusion of certain offences from the scope of grant of remission, especially by way of an executive policy is not only arbitrary but turns the ideals of reformation that runs through the criminal justice system on its head. Numerous judgments of the Court have elaborated on the penological goal of reformation and rehabilitation, being the cornerstone of our criminal justice system rather than retribution.

The impact of applying an executive direction to guide the executive's discretion would be that any progress made by a long-term convict would be rendered naught leaving them feeling hopeless and condemned to an indefinite period of incarceration. That executive order was thus declared arbitrary by the Court. The Court made a further clarification that the Government cannot by way of such an order take such a role for crimes as it deems fit

The Court expressed the view that while the executive order is not directly challenged, in its considered opinion it merits comment and a note of caution. The court naturally went against it. The counsel for the prisoner had opposed the executive order but his arguments for the release of his client were centred on Kerala jail rules prevalent at the time of his conviction when he was sentenced to life imprisonment by the High Court in 1998 that was dome reversing the acquittal by the trial court.

The Court observed that the executive order was really inflexible because it was based on a crime committed in the distant past. It can result in the real danger of overlooking the reformatory potential of each individual convict, the practical impact of an executive

order which bars consideration of a premature release of a prisoner having undergone 20 or 25 years of imprisonment based entirely on the nature of crime committed in the distant past would be to crush the life force out of such individual, altogether. Such persons will never see freedom and will die within the prison walls.

A person who entered the prison long back may not be the same person after a long period of incarceration. The executive order denies the real impact of prison good behaviour and other relevant factors and results in violation of Article 14. Excluding the relief of premature relief to prisoners who have served extremely long periods of incarceration not only crushes their spirit and instils despair but signifies society's resolve to be harsh and unforgiving. The idea of rewarding a prisoner for good conduct is entirely negated, the Court said.

What was the remission policy when Joseph was convicted?

The argument of the counsel for the prisoner was centred around the remission policy prevalent in Kerala at the time of the conviction of the petitioner in 1998 which was fully considered by the court.

Kerala got statehood in 1956. Before that, there was the Travancore Cochin Prison Act that came into force in 1950. The Kerala Prison and correctional services Act came into force in 2010. The Kerala government had enacted Kerala prison rules in 1958. However, as per the 2010 Act, the 1958 rules were to continue till the commencement of the new rules. The new rules were in force only in 2014. The 1958 rules were in force when the petitioner was convicted in 1998.

The counsel for the petitioner drew the court's attention to the rules of 1958 that stipulated the release of a prisoner can be considered after 14 years of imprisonment and that the inmate shall be released after completion of 20 years of the sentence and the recommendations of the of NHRC which prescribes mandatory release after 25 years of the sentence. The counsel further argued that even in terms of Rule 277 of the prison rule of 2014 the prisoner is entitled to be released after 20 years of imprisonment. It was pointed out that the prisoner has undergone 26 years of actual imprisonment at this juncture, and it was manifestly illegal to keep him incarcerated in perpetuity.

Moreover, the counsel vehemently argued that the Executive order came in 2022 by which time he had already undergone 25 years of imprisonment and the order could not override the statutory provision. The argument of the counsel was that the petitioner had a legal right to be considered for remission given the safeguards of a convict under Articles 20 and 21 of the constitution as well his legal right was guaranteed by the Kerala prison Act and rules. It was accepted by the court.

As per the reply received from the jail under the RTI Act, it was pointed out to the Court that from 2000 to 2016 a total of 28 convicts sentenced to life imprisonment in the murder of women had been granted premature release. However, despite being recommended by the jail advisory committee the Government rejected it without assigning any reason,

this is a ground to set aside the Government order rejecting release, and that argument weighed well with the Court.

The court made it clear that the remission policy prevailing on the date of conviction is to be applied in a given case, which was ground to release the petitioner accepting the arguments of the counsel for the petitioner. the court follows an earlier decision in the state of Haryana Vs Raj Kumar of 2010. That approach was followed by the court in Rajo Vs the state of Bihar in 2023.

The Court clarified that when the petitioner was convicted in 1998 by the high court, the 1958 rules were in force in Kerala that enabled the release of the petitioner. The court observed that the jail advisory committee was headed by the Jail DGP. It had members like a district judge, district collector, district police chief, probation officer and three non-official members, they had taken a holistic view of the petitioner and recommended release, still, Government rejected it, that was the unkindest cut, the court felt and was a ground for the immediate release of the petitioner.

Advocate Mathew Adolf is of the view that this landmark judgement will enable many prisoners who have undergone 14 years of imprisonment or more to approach the government citing the dictum laid down as well as observations and declaring the 2022 executive order as arbitrary by the Court. The government is bound to act as it cannot make arbitrary decisions in matters of premature release. As well, any prisoner entitled to release can approach the court if the government declines to act. This judgement is another voice of the Constitution that saved a prisoner. Otherwise, by the executive order of 2022, he would have died behind bars.



Prabhasakshi

## West Bengal में पहली बार नहीं हुआ केंद्रीय एजेंसियों से साथ टकराव, रहा है पुराना इतिहास

<https://www.prabhasakshi.com/national/not-first-time-in-west-bengal-that-there-has-been-a-conflict-with-central-agencies>

ईडी अधिकारी स्थानीय तृणमूल कांग्रेस (टीएमसी) नेता शाहजहां शेख के आवास पर छापेमारी के लिए केंद्रीय बलों के जवानों के साथ उत्तरी 24 परगना जिले में थे। ईडी की टीम घर के गेट खोलने की कोशिश कर रही थी तभी प्रदर्शनकारी हिंसक हो गए।

जब पश्चिम बंगाल के संदेशखाली में कथित राशन वितरण घोटाला मामले की जांच कर रही प्रवर्तन निदेशालय (ईडी) की टीम के आठ सदस्यों पर शुक्रवार को सैकड़ों स्थानीय लोगों ने हमला किया और रोका, तो राज्य में यह पहली बार नहीं था कि केंद्रीय जांच टीम को इस तरह के विवाद के बीच पाया गया था। ईडी अधिकारी स्थानीय तृणमूल कांग्रेस (टीएमसी) नेता शाहजहां शेख के आवास पर छापेमारी के लिए केंद्रीय बलों के जवानों के साथ उत्तरी 24 परगना जिले में थे। ईडी की टीम घर के गेट खोलने की कोशिश कर रही थी तभी प्रदर्शनकारी हिंसक हो गए।

पूर्व मंत्री ज्योति प्रिया मल्लिक को पिछले अक्टूबर में घोटाले के सिलसिले में ईडी ने गिरफ्तार किया था। 2019 में, रोज़ वैली चिट फंड मामले के सिलसिले में फिल्म निर्माता श्रीकांत मोहता के कार्यालय जा रही सीबीआई टीम को कोलकाता के कस्बा पुलिस स्टेशन में रोक दिया गया था। उस वर्ष बाद में, जब सीबीआई की एक टीम सारदा चिटफंड मामले में पूछताछ करने के लिए तत्कालीन कोलकाता पुलिस आयुक्त के पार्क स्ट्रीट स्थित आवास पर गई तो उन्हें रोक दिया गया। शेक्सपियर सारणी पुलिस स्टेशन की एक टीम ने सबसे पहले सीबीआई को कुमार के आवास के बाहर रोका। इसके बाद मुख्यमंत्री ममता बनर्जी खुद कोलकाता के एस्प्लेनेड में कार्रवाई के विरोध में 70 घंटे के धरने पर बैठ गईं। हाल ही में, कुमार को राज्य का पुलिस महानिदेशक नामित किया गया था।

2021 के विधानसभा चुनावों के बाद, भाजपा और अन्य टीएमसी विरोधी दलों ने सत्तारूढ़ दल के खिलाफ चुनाव संबंधी हिंसा के आरोप लगाए। कलकत्ता उच्च न्यायालय ने सीबीआई और राष्ट्रीय मानवाधिकार आयोग (एनएचआरसी) को जांच करने का आदेश दिया। लेकिन जब राष्ट्रीय अल्पसंख्यक आयोग के उपाध्यक्ष और एनएचआरसी टीम के सदस्य आतिफ रशीद दक्षिण उपनगरीय कोलकाता के जादवपुर इलाके का दौरा कर रहे थे, तो उस पर हमला हो गया।

अप्रैल 2023 में, राष्ट्रीय बाल अधिकार संरक्षण आयोग (एनसीपीसीआर) के प्रमुख प्रियांक कानूनगो ने 7 वर्षीय लड़की की उसके एक पड़ोसी द्वारा कथित हत्या की जांच के दौरान कोलकाता के तिलजला पुलिस स्टेशन के एक अधिकारी द्वारा हमले का दावा किया। कानूनगो ने दावा किया कि न केवल उन पर हमला किया गया, बल्कि पुलिस कर्मियों ने "एनसीपीसीआर की जांच की गुप्त रूप से वीडियो रिकॉर्डिंग की"। कानूनगो को कथित तौर पर उत्तरी दिनाजपुर जिले में स्थानीय प्रशासन ने पिछले अप्रैल में फिर से रोक दिया था, जब वह कथित तौर पर बलात्कार और हत्या की शिकार 17 वर्षीय लड़की के परिवार से मिलने गए थे। राज्य सरकार ने दावा किया कि क्षेत्र में निषेधाज्ञा लागू कर दी गई है। पश्चिम बंगाल बाल अधिकार संरक्षण आयोग ने राष्ट्रीय संस्था पर लड़की की मौत पर "राजनीति करने" का आरोप लगाया।

## NHRC-National Human Rights Online News

### The Hindu

#### Students, activists organise event in support of Palestine in Hyderabad

<https://www.thehindu.com/news/national/telangana/students-activists-organise-event-in-support-of-palestine-in-hyderabad/article67712778.ece>

The arms lobby of the US and its role in the ongoing Israel-Palestine conflict, were discussed at a Palestine solidarity event in Hyderabad on January 6. At the Solidarity with Palestine event at Lamakaan, Prof. G. Hargopal, a victim of alleged Israel-based NSO's surveillance tool Pegasus, recalled his visit to an arms maker in the US, and reiterated the significance of the military-industrial complex.

He said that the conflict must not be seen in isolation, and the powerful arms lobby must be factored in, as well as the US' role in it. "The weapons lobby is one of the most powerful lobbies," he said. Journalist N. Venugopal pointed out that since October 7, about 40 Telugu poets have penned verses in support of Palestine.

He noted that India's attitude towards Palestine, and the oppression began to change post-globalisation. He rued that while there were massive protests across the world, demonstrations in India were few and far between. He pointed out that Palestinians were suffering before Hamas' October 7 attack. He condemned the killing of thousands of innocent Palestinian children,

Activist and student leader Laeeq Ahmed Khan Aquil said that the October 7 attack brought into question Israel's superior surveillance systems. He said that India and Palestine stood at the same crossroads in 1948. While India won its freedom, Palestine, unfortunately, did not. He said that the United Nations stood as a helpless spectator.

He urged the public not to normalise the suffering of Palestinians. Activist Khalida Parveen said that the Palestinian suffering and their occupation was not a Hindu or a Muslim issue, but that of humanity. Earlier in the day, students and activists recited poetry in English, Urdu, and Telugu in solidarity with Palestine.

## Fair Observer

### Supreme Court of India: No Unlimited Right to Marriage

<https://www.fairobserver.com/world-news/india-news/supreme-court-of-india-no-unlimited-right-to-marriage/#>

The Supreme Court of India reached a verdict in the case of Supriyo v. Union of India. Justice DY Chandrachud argued vigorously to elevate same-sex civil unions to the status of marriage. The majority ruled that the Court cannot establish an institution comparable to marriage rights. Analyzing this verdict, however, reveals that Justice Chandrachud's argument was more successful than it appears.

On October 17, 2023, the Supreme Court of India handed down its decision in Supriyo v. Union of India. The case concerns the LGBTQIA+ community's right to same-sex marriage. The case posed a delicate and complex question about individual and collective rights. Yet this question goes largely unanswered, if not completely ignored, in debates about equality and the constitution.

The ethical role we envisioned for the court is this: to give a say to the unheard voices that cannot make an impression in parliamentary chambers because of a lack of representation, or because representatives are apathetic. The bench of five judges penned four separate opinions, introducing confusion. Nevertheless, its multi-vocal result undoubtedly fits the temperament of the Indian Constitution.

Chief Justice of India Dhananjaya Chandrachud, deserves praise for instituting a bench that allowed such colorful and varied arguments during a hearing.

Justice Chandrachud's argument

The Supreme Court made a sincere attempt to recognize as many rights as were feasible within the parameters of their jurisdiction. Chandrachud deserves special recognition for his dissenting opinion. In it, the chief justice tried his best to elevate a civil union between two people to parity with the status of marriage.

Chandrachud emphasized the functional and operational aspects of Articles 19(1)(c), (e), (a), 21 & 15(1) of Indian constitution. He acknowledged that marriage cannot be declared a fundamental right; rather, it is an issue for the parliament to decide. The court is also unable to recognize the marriage rights of members of the LGBTQIA+ community within the current legal framework.

The court considered whether such a right may have been created by the Special Marriage Act, 1954. Building his arguments on the cases of Navtej Singh Johar v. Union of India, Shakti Vahini v Union of India, National Legal Services Authority v. Union of India and Justice K.S. Puttaswamy & Anr. vs. Union of India & Ors., Chandrachud underlined that the act's wording is not clear enough to establish this reading.

In his detailed ruling, Chandrachud provided broad guidelines for defending the civil union between members of the LGBTQIA+ community. These guidelines include educating the public about the group's rights to prescribing the standards, such as opening a joint bank account, ration card, etc. In a nutshell, Chandrachud went all out to grant the civil unions of members of the LGBTQIA+ community status equivalent to marriage, including adoption rights.

#### The majority vs. Chandrachud

To concisely summarize Chandrachud's methodology, we should apply an approach based on Alan Dershowitz's book, *Rights From Wrongs: A Secular Theory of the Origins of Rights*. Every asserted right is thought to have roots in an earlier injustice.

Germany is one example: The current German constitution is centered on human rights and upholds them as fundamental. Germany learned from its horrific Holocaust and built a more stable society that upholds human dignity.

Throughout his ruling, Chandrachud underlined the marginalization that the LGBTQIA+ community experiences due to insensitivity. As restitution for previous wrongs, they were granted equal status as a civil union, complete with all the benefits.

However, the majority judgment, led by Justice Ravindra Bhat, did not support Chandrachud's stance. Justice Hima Kohli and Justice PS Narasimha concurred. The basic structure of constitution includes the separation of power; so, they argue, it would be erroneous for the court to establish an institution legally or morally comparable to marriage on its own authority.

Bhat underlined unequivocally that, as much as the court can set a legal precedent, a right does not always translate to a positive legal obligation. In other words, the state is not required to establish the socio-legal framework to support the right to civil unions simply because they exist. The political branches will have to choose the best moment to repair this, as the judicial branch is incapable of doing so.

#### Examining the verdict

I examine this verdict from legal, moral and sociological angles. From a legal perspective, the judgment is entirely valid, as it closely adheres to the fundamental tenets of the Indian constitution.

From a moral perspective, we must first ask, "Why does a court exist?" This addresses its ethical obligation. As I previously stated, a court is crucial in providing a voice for those who go unheard in a democratic nation. The ethical requirement for an impartial arbitrator to dispute an individual's rights against the state is what gave rise to the entire concept of judicial review.

## The Wire

### From the Certainty of the Constitution Towards Amorphous Culture and Customs

<https://m.thewire.in/article/law/marriage-equality-narasimha-supreme-court-cji-chandrachud>

How has the appeal to custom and culture impacted the judiciary?

It appears to have had a direct impact as the judiciary too has started appealing to culture and customs to justify imposing restrictions on fundamental rights or writing them out of existence. Nothing illustrates this better than the judgment of Justice P.S. Narasimha in the marriage equality case, that involved a challenge to the Special Marriage Act, 1954.

He begins by saying:

“Marriage is a social institution and the status of the right to marry: There cannot be any quarrel, in my opinion, that marriage is a social institution.” Two questions arise from this bald statement. In what sense of the word is marriage a social institution? One might answer this question by saying that its breakdown has consequences for the parties to the marriage and the children of the marriage. These are issues that can be addressed by secular law, not religious codes, as has been done for the Hindu law of marriage.

The learned judge then proceeds to say:

“In our country, it [marriage] is conditioned by culture, religion, customs and usages. It is a sacrament in some communities and a contract in some other.” There is no logical connection between these two statements. Even if marriage was not governed by sacrament or contract, it would still have social consequences, for example, the homelessness of women or the abandonment of children.

It would still be a social institution in which the society has a stake and the State has a legitimate interest in intervening to prevent the adverse consequences of a breakdown. The question of whether marriage is a sacrament or a contract has consequences only for the form in which the marriage is solemnised. Some people choose to solemnise marriage in a secular form, some in a religious form and some in both.

Now let us look at the issue of marriage as a contract. What is being referred to here is the nikah at the time of a Muslim marriage where the man and the woman agree to wed each other. That is the contract. This should not be something special to Muslim marriages. Is it being suggested that a Hindu marriage does not require the two parties to consent to the marriage simply because it is a “sacrament”?

That would be a preposterous proposition to make and hence one must presume that a Hindu marriage involving a sapta-padi also required the consent of the two parties to the marriage. This argument applies equally to a Parsi marriage or a Christian marriage or a secular marriage under the Special Marriage Act.

The judge then goes on to say, “State regulation in the form of codification has often reflected the customary and religious moorings of the institution of marriage. An exercise to identify the purpose of marriage or to find its ‘true’ character is a pursuit that is as diverse and mystic as the purpose of human existence; and therefore, is not suited for judicial navigation.”

This is a complete cop-out. To say that the law in any circumstances cannot decide the content of marriage is to avoid a decision on the subject. I have said elsewhere that it is an agreement, hence a contract requiring informed consent between two people to share their lives, their hopes and aspirations with each other, their joys and their tragedies, to have sexual intercourse with each other, the exclusion of the rest of the world.

In the choice of partner, the State has no legitimate interest. What the State does have a legitimate interest in is the distribution of assets and custody of children upon the breakdown of a marriage. The judge then goes on to say, “But that does not render the institution meaningless or abstract for those who in their own way understand and practice it.” Indeed people do have their own understanding of what marriage is and it is far from being meaningless or abstract.

But for the judge in question it does render the institution abstract since “to identify the purpose of marriage or to find its true character that is as diverse and mystic as the purpose of human existence”. It is the judge here who has abandoned his judicial robe and put on that of a mystic. One wonders why it is so important to give marriage such an exalted social status if one is not able to define it. Surely, it cannot be a social institution and a mystic one at the same time!

We are then told “the rules governing marriage and family, were largely customary, often rooted in religious practice. This exercise of codification, not always accurate and many a time exclusionary, was the product of the colonial desire to mould and reimagine our social institutions.” It is here that we can identify in the judgment the underlying major premise (unspoken). Marriages are largely governed by religion, (and should continue to be) save for the “colonial desire to remould and reimagine our social institutions”.

There is amnesia about the fact that social reformers of Indian origin campaigned for the abolition of sati, for widow remarriage, for the right of woman to education, and for gender equality in the matter of inheritance. To call it “colonial desire” is ahistorical. It also echoes the narrative of the ruling party that they are decolonising laws passed by the British – the language here is similar.

The subsequent mention of much-needed social reform does not make a difference to the underlying issue that marriage is a religious not a social institution governed by ancient custom which predates the Constitution of India. One must not forget the fact that custom, in order to be law, must be shown to exist since “time immemorial”.

We are then told, “Even when our own constitutional State attempted codification and reform, it left room for customary practices to co-exist, sometimes providing legislative heft to such customary practices.” Different marriage laws are then cited to substantiate this. A glance at each of these indicates that they all relate to the form in which marriages may be solemnised, including diverse religious forms, but there is a failure to recognise that none of these laws address the substance of what is a marriage.

A bouquet of statutes offers a choice to parties to a marriage in what manner they wish to solemnise a marriage but what they have in common is the fact of a marriage by consent of the parties, not a “mystic” pursuit. The form in which a marriage is solemnised cannot take away from the essential substance of a marriage, be it heterosexual or queer. There is an utter confusion between understanding the substance of the marriage and the form in which it is solemnised.

It is true that most marriage laws do have two substantive qualifications, one of age and the second the exclusion of prohibited degrees. This is so that the State can have a legitimate interest in ensuring that those who consent to a marriage are in a position to give informed consent and so far as the prohibited degrees are concerned, this is for reasons of maintaining the health of the community and prevent inbreeding.

They can be said to be reasonable restrictions on the right to marry, constitutional or statutory. What is more, the restriction on prohibited degrees can be waived by custom. Hence, custom, far from restricting the choice of partner, enhances it. And now for the final punch, the underlying premise, “In my considered opinion, the institutional space of marriage is conditioned and occupied synchronously by legislative interventions, customary practices and religious beliefs.

“The extant legislative accommodation of customary and religious practices is not gratuitous and is to some extent conditioned by the right to religion and the right to culture, constitutionally sanctified in Articles 25 and Article 29 of the Constitution of India.” This synchronously occupied institutional space of marriage is a product of our social and constitutional realities, and therefore, in my opinion, comparative judicial perspectives offer little assistance.

“Given this nature of marriage as an institution, the right to choose a spouse and the right of a consenting couple to be recognised within the institution of marriage, cannot but be said to be restricted.” So, there we have it, the right to marry is not a fundamental right but wait a minute, even if it was, it can be restricted by culture and religion. In the hierarchy of norms, this represents a complete surrender of our constitutional freedoms and rights to “culture”, howsoever defined, with which the courts cannot interfere.

The logical fallacies and contradictions in this judgment are immense. Understating statutes is weak, with an inability to distinguish between formal validity and substantive validity of a marriage, an understanding of what are called “personal laws” is absent (notice that the words are not mentioned here).

If indeed there is no fundamental right to marry, what is there to prevent the State from telling us who to marry and who not to marry, or from saying Bharatiya culture will determine that question as well? The judge points out, "Even today, much of the Mohammedan law of marriage is governed by religious texts and customs and there is hardly any State intervention." We are not talking about the role of the State here but that of the judiciary in sitting in judgments over statutory law.

The judge forgot to mention that in Shayara Bano versus Union of India and others, the Supreme Court struck down the customary practice of triple talaq at the invitation of a Bharatiya Janata Party (BJP)-led government. Further, the judge states, "The claim of the right to marry, de hors the existing statutory framework, is nothing but a claim to create a legally and socially enforceable status." May we have a legal definition of "status"? Being unmarried is also a status, not created by law, so what is the relevance of the fact that marriage is a status?

Then there is the question of marriage laws not being standalone laws. "They interact in multifarious ways with succession, inheritance and adoption laws, to name a few." But all these already have existing statutory frameworks. So far as inheritance is concerned, almost all personal laws permit the making of a will and the disposing of property to a greater or lesser extent.

Moreover, the Special Marriage Act was specifically amended to ensure that if two Hindus marry under the Special Marriage Act, they do not have to be governed by the Indian Succession Act, 1925 but will continue to be governed by their personal laws. Incidentally, this exception was made for Hindus alone and no other community.

Having concluded there is no right to marry, the judge concludes there is no right to a "union or an abiding cohabitational relationship". Perhaps he overlooked the definition of a "domestic relationship" in the Protection of Woman from Domestic Violence Act, 2005 which recognises relationships "in the nature of marriage". The Chief Justice of India opines that "it is insufficient if persons have the ability and freedom to form relationships unregulated by the State". He goes on to state that there is no right to "recognition" of the relationship by the State.

But he forgets that in the Shayara Bano case, the argument made was the act of recognition of triple talaq was an act of the State and it should be derecognised by the court. The judge says, "In my considered opinion, it is in positively mandating the State to grant recognition or legal status to 'unions' from which benefits will flow, that the doctrine of separation of powers is violated." Was the doctrine of separation of powers violated when the court declared triple talaq unconstitutional?

Justice P.S. Narasimha continues, referring to his disagreement with the judgment of the Chief Justice of India, "Moreover, the right to a union cannot be located in Article 25 of the Constitution of India. "Emphasis is placed on the term 'freedom of conscience' because that would situate in this freedom of conscience, the right not only to judge the moral quality of one's own action but also to act upon it." If that were permissible under



Article 25, then the textual enumeration of freedoms in Article 19 becomes redundant since these freedoms can be claimed to be actions on the basis of one's own moral judgment. I find it difficult to agree with such a reading of Article 25."

There are two fallacies here. Article 25 explicitly allows us to judge the moral quality of our actions and to act on them so long as we do not harm public order, morality, health and the fundamental rights of others. Nowhere does the judge state that non-heterosexual relationships are immoral. Moreover, way back in *Maneka Gandhi vs Union Of India*, the court pointed out that rights overlap with each other and create a "golden triangle". Hence, the fact that there is an overlap in the content of the right is of no consequence.

He concludes "for the reasons stated above the Petitions are dismissed".

The judgment shows that, mirroring the Executive, our courts have set up a norm above the norm of the Constitution, i.e., culture, and will not enforce the text of the Constitution when it conflicts with the culture, howsoever defined. It is indeed the repudiation of the judicial function. The legal community needs to be vigilant to prevent this failing court since the future of the rights of citizens seems to be in jeopardy.

The marriage equality judgment is the only judgment of the Supreme Court besides the one that held that Hinduism is a way of life and not religion alone which legitimises culture as the measure of whether a restriction on a right was reasonable or not.

We note that Article 13, which declares all laws that violate fundamental rights void, defines law to include "custom" but it does not include 'culture' as law. Yet today we have a judgment that clearly permits culture to trump fundamental rights.

If the cultural test of "reasonableness" can be used to uphold governmental action, why can it not be used to interpret the Constitution itself or the validity of a constitutional amendment for that matter? *Keshavananda Bharati versus State of Kerala*, which was decided in 1973, held that the basic features of the Constitution, such as fundamental rights, secularism, democracy and federalism, could not be amended even by a Constitutional amendment.

Yet, today we see the same result as we would by an amendment by the creation of a norm higher than and inconsistent with the values of the Constitution. A new set of practices has replaced constitutionalism and legality and has been elevated to the level above the Constitution with reference to which the Constitution and its basic features are to be interpreted. Rights, as we know them, are replaced by duties, negating the entire chapter on fundamental rights.

Our fundamental duties now take precedence over our fundamental rights. We must all do our 'kartavya' without any expectation of freedom. A new language of politics and consequentially law has been invented in place of constitutionalism.

We are told that there is an "intrinsic dharma" of the people of India which is ancient and predates the Constitution. Once a norm above the Constitution is created, it is easy to see why there is no need to amend the Constitution.

That is why I say that 2023 has been the year of the surajmukhi court. Indira Jaising is a noted human rights lawyer and a senior advocate at the Supreme Court of India. She is a co-founder of The Leaflet, where this article first appeared. It has been republished with permission.

## News Click

### Construction Workers' Federation Rejects Labour Export Deal to Israel as 'Sinister Ploy'

<https://www.newsclick.in/construction-workers-federation-rejects-labour-export-deal-israel-sinister-ploy>

The Construction Workers Federation of India has denounced government recruitment drives to send Indians to work in Israel's construction sector. The Zionist state is facing labor shortages after revoking the permits given to Palestinian workers. Over the past few weeks, at least two states in India, governed by the ruling Bharatiya Janata Party (BJP), have issued notices for the recruitment of construction workers to be sent to Israel.

Reports emerged towards the end of last year that Israel was seeking to hire up to 100,000 workers from India to replace Palestinian workers in its construction sector. After the Al-Aqsa Flood Operation began on October 7, Israel revoked the work permits given to all Palestinian workers from Gaza, where unemployment and poverty rates are rampant due to the ongoing 17-year-long siege imposed by the Zionist occupation.

These workers were then placed under illegal detention by the Occupation and subjected to weeks of horrific abuse and torture. The work permits of the majority of Palestinian workers from the West Bank, where Israel maintains a similarly stifling control, were also revoked. 75,000 Palestinians from the Occupied West Bank and 12,000 from Gaza were employed in Israel's construction sector in the second quarter of 2023, according to data from the Bank of Israel, along with 15,000 people from the West Bank who were employed informally and around 23,000 immigrant workers.

Palestinian and immigrant workers in Israel's construction sector are confined to what is known as "wet work", which refers to the labor-intensive tasks of setting up a building's structure, plastering, scaffolding, and other such tasks. They are employed both within the Green Line as well as in Israel's illegal colonial settlements. At the end of December, the Israeli finance ministry estimated that the loss of this workforce would cost the economy up to USD 830 million each month.

Israel's construction sector is considered to be the "most dangerous" employment sector. The "vast majority" of workers killed are Palestinians, including those holding Israeli citizenship. As news began to circulate that Israel was turning to India to hire workers, the country's ten major trade unions issued a statement in early November denouncing the move as "disastrous" and "immoral":

"Such [a] step will amount to complicity on India's part with Israel's ongoing genocidal war against Palestinians."

While the Indian government stated at the time that it was not aware of any "specific numbers or requests", the trade unions highlighted an agreement signed between India

and Israel in May 2023, which would see the recruitment of up to 42,000 workers, 80% of whom would go into the construction sector while the rest would go into the care sector.

In December, the BJP-led government in the state of Haryana began a recruitment drive, seeking 10,000 workers to be sent to Israel, including for construction work. This was amid visits by Israeli “selectors”, including members of the Israeli Builders Association (IBA), to India to initiate the recruitment process. The IBA’s deputy director general told PTI that the association was seeking to initially bring 10,000 Indian workers, and then scale up to 30,000.

Soon after, it was reported that the state of Uttarakhand was “examining the possibility” of sending construction workers to Israel. In late December, the government of another BJP-led state, Uttar Pradesh (UP), similarly started to recruit construction workers to be sent to Israel. The UP government has worked to establish close ties with the Israeli occupation, including in the fields of “police modernization” in a state whose forces are known to have committed severe human rights violations.

Construction workers from UP who agree to go to Israel have been promised a monthly wage of up to USD 1,609, much higher than India’s government-mandated minimum wage, which informally employed workers are still denied. However, it is crucial to note that the wages will reportedly be deposited with the employing company and given to the workers only at the end of their contract, which could last between one to five years. Following the initial announcement by the government of Haryana, the CWFI had called on its members to hold protests against the proposed recruitment.

“The Haryana Kaushal Rojgar Nigam (HKRN) has outlined specific criteria for individuals interested in the recruitment drive for young workers. This is a sinister ploy to exploit our country’s poor construction workers to send to Israel by offering lucrative salaries at the expense of death, starvation and income losses of fellow Palestinian workers,” the union said, adding that sending of workers would “in essence, extend support to its genocidal attacks on Palestine”.

Rather than engaging with negotiations to send workers to Israel, the union called on the Indian government to instead support the call for an immediate ceasefire at the United Nations and the establishment of an independent Palestinian state.

“Construction workers in India stand united with the working class and the people of Palestine, who are facing genocidal attacks by Israel with the full backing of the USA and other imperialist countries,” CWFI stated.

## Hindustan Times

### From HT Archives: When New Delhi laid out the red carpet for Carter

<https://www.hindustantimes.com/india-news/from-ht-archives-when-new-delhi-laid-out-the-red-carpet-for-carter-101704479070728.html>

US President Jimmy Carter praised the common moral values and respect for the human spirit that bind India and the US together during his visit to Delhi. He expressed his hope that the rest of the world would benefit from the friendship and moral values shared by the two countries.

President Carter was welcomed by a million-strong crowd and received by Prime Minister Morarji Desai and other officials. He emphasized the importance of faith, morals, and the strength of democratic political systems.

Prime Minister Desai expressed his hope that the visit would strengthen the bond between the two nations and highlighted the need to work together to address global issues such as nuclear weapons and pollution. The civic reception included speeches from other officials and the presentation of a gift to President Carter.

United States President Jimmy Carter on January 1, 1978, said that the world's two largest democracies — India and the US — were bound together by a common firm belief in basic moral values and respect for the human spirit.

Speaking at a civic reception given to him at the Ramlila Grounds in Delhi, Carter said he “wanted the other peoples of the world to benefit from our consultations, our friendship, our standard of moral values and our hope for world peace”.

Earlier, President Carter was accorded a warm and colourful welcome at Delhi airport, as a million-strong crowd lined the route of the state drive cheering as the motorcade sped towards Rashtrapati Bhavan. Commenting on the popular response, President Carter said it was “beautiful”.

On arrival at Ramlila Grounds at 4.30pm, Carter and his wife, Rosalyn Carter, were received by Prime Minister Morarji Desai, members of his Cabinet, and Delhi mayor RK Gupta, who then introduced the councillors to him.

True to his style, Carter began by wishing a Happy New Year to everybody. “I bring you warm New Year's greetings from the people of the United States,” he said. In a speech that was translated into Hindi as he spoke, Carter said he was moved and pleased by the size and warmth of the welcome.

It was a stirring testimony to the common values which had always bound together the Indian people and the people of America, he added. The American President said he

was pleased to be with the mayor and Prime Minister Desai, whom he knew to be a man of uncompromising dedication to personal and also public morality.

"Both he and I share with the people of India and the people of my country a deep religious faith," he said. He said his family's interest and love for India was deep because of his mother's years of service here and because of her love for the Indian people.

"Being here with my wife fulfils a longstanding ambition of mine to visit your great country and your great people," he said. "Our creed and our religions differ in some ways; but we agree that all faiths be granted equal respect. Both nations are certain that a concern with matters of morals and the spirit is closely connected with the strength of our own democratic political systems," he said.

"My own nation is built on firm and fundamental beliefs," the US President said. "We believe that governments exist to protect the freedom and the wellbeing of the people." Carter said the people of the US and India must work together for these human rights to be able to build a world of justice.

PM Desai, in his speech, said India had the privilege of welcoming an American President after an interval of 18 years. With this visit, Desai said he hoped that unbreakable bonds of friendship would be established between the two countries.

Desai said he welcomed President Carter not only because he was the President of a big country but more so because of the firmness with which he stood up to his principles and worked for them, not letting anybody hinder him in his task. Two basic problems existed in the world, PM Desai said. These were the atom bomb and the atmospheric pollution due to the industrial advancement.

He was happy at the occasion that Carter wanted to solve these problems and minimise their harmfulness. Desai said atomic weapons should be done away with and atomic energy used for the welfare of the people. He was happy that Carter also stood for the same thing. Desai said the US President had been working along these lines and assured him of India's sympathy and support. He said the two nations should work together to build a society in which no differences existed.

Mayor RK Gupta, in the civic address, said that the sea of humanity that had gathered to welcome Carter was a proof of the goodwill of the Indian people towards the United States. "You have raised your voice against exploitation and atrocities bred through racial discrimination. We see in you a champion of peace, friendship and cooperation in the world," Gupta said.

He also presented an ivory replica of the Qutab Minar to the US President. President Carter said, "I know I will feel at home here because of the things the United States and India have in common. We are very glad to renew our friendships, establish new ones and respond to your heart-felt welcome and also return your wish that

we both together and the entire world can have a good new year and the world at peace.”

“I am glad for the opportunity to learn in person, about the largest democracy on earth and renew our friendship and establish new ones. I am delighted to begin my own new year with visit India, President Carter said. Carter said he had been in correspondence with PM Desai and felt he was a personal friend. “I know your Prime Minister to be a man of great courage and rectitude we will have much to talk about. Both our nations require co-operation and consultation, day to day and every year which we serve.”

In a reference to his mother Lillian Carter, who worked as a Peace Corps volunteer many years ago at Vikhroli, President Carter said she had been deeply moved by her experiences and had told him about the warmth and friendship she had received here.

## Indian Express

### Central agencies vs Bengal: Not the first time battle has spilled onto streets

<https://indianexpress.com/article/political-pulse/ed-team-attack-central-agencies-vs-bengal-9097410/>

When eight members of an Enforcement Directorate (ED) team investigating the alleged ration distribution scam case in West Bengal's Sandeshkhali were attacked and stopped by hundreds of locals on Friday, it was not the first time a Central investigative team had found itself amidst such an altercation in the state.

The ED officers were in the North 24 Parganas district, accompanied by Central forces personnel, for raids on local Trinamool Congress (TMC) leader Shahjahan Sheikh's residence. The ED team was trying to open the gates of the house when the protesters turned violent. Former minister Jyoti Priya Mallick had been arrested by the ED in connection with the scam last October.

In 2019, a CBI team was stopped at the Kasba Police Station in Kolkata on its way to film producer Shrikant Mohta's office in connection with the Rose Valley chit fund case. Later that year, a CBI team was halted when it went to the then Kolkata Police Commissioner's residence on Park Street to interrogate him in the Sarada chit fund case.

A team at the Shakespeare Sarani police station first stopped the CBI outside Kumar's residence. Chief Minister Mamata Banerjee herself then sat on a 70-hour dharna in protest against the action at Kolkata's Esplanade. Recently, Kumar was named the state's Director General of Police.

After the 2021 Assembly elections, the BJP and other anti-TMC parties levelled allegations of poll-related violence against the ruling party. The Calcutta High Court ordered the CBI and National Human Rights Commission (NHRC) to conduct an investigation.

But as Atif Rasheed, vice-chairperson of the National Commission for Minorities and a member of the NHRC team, was visiting the Jadavpur area in south suburban Kolkata, it came under attack.

Child rights panel faces heat

In April 2023, National Commission for Protection of Child Rights (NCPCR) chief Priyank Kanoongo claimed assault by an officer at Kolkata's Tiljala Police Station while examining the alleged murder of a 7-year-old girl by one of her neighbours. Kanoongo claimed that not only was he attacked, police personnel "secretly video recorded the NCPCR's investigation".



Kanoongo was allegedly stopped by the local administration in North Dinajpur district again last April when he went to meet the family of a 17-year-old girl who was allegedly raped and murdered. The state government claimed prohibitory orders had been imposed in the region. The West Bengal Commission for Protection of Child Rights accused the national body of “doing politics” over the girl’s death.

## The Hindu

### Leopard sighting at Ponmudi: panel seeks report from Collector

<https://www.thehindu.com/news/national/kerala/leopard-sighting-at-ponmudi-panel-seeks-report-from-collector/article67711091.ece>

The State Human Rights Commission has directed the Thiruvananthapuram District Collector to look into apprehensions of students and teachers of Government Upper Primary School, Ponmudi, after leopard sightings in the area and submit a report within three weeks. Forty-two students and eight teachers have been living in fear of leopards as the school does not have a compound wall.

The direction was issued by commission acting chairperson and judicial member K. Byjunath. The commission was taking suo motu action on the basis of media reports. The case will be taken up after a sitting to be held here in February, a statement from the commission on Friday said.

The school has 2.25 acres of land as per village records. However, the Forest department puts it at 48 cents. When the school was constructed, compound walls were built only on two sides. Wild growth has crept into the school from the other two sides. The Forest department says compound wall cannot be built there.

School authorities say if at least the wild growth near the school is not cleared, the leopard could lie in wait there to pounce on humans. The cook at the school had spotted a leopard. Also, wolves and wild elephants frequent the school. The students could not even go to toilets outside without fear, the statement said.

## The Wire

### Bangladesh's Crumbling Democracy No Roadblock for Superpowers

<https://m.thewire.in/article/south-asia/bangladeshs-crumbling-democracy-no-roadblock-for-superpowers>

As Bangladesh votes, the world's major powers are seeking to exert control over what happens next, with Sheikh Hasina set to win another disputed term. When Bangladesh goes to the polls on January 7, the great performance of democracy will take centre stage. Voting booths will be set up, voters will cast votes, and they will be counted. However, despite the show, there is no surprise twist lurking for election watchers, because the result is already known.

Sheikh Hasina will be re-elected for a fifth time, and her party, the Bangladesh Awami League (AL), will form government once again. Bangladesh's longest-serving female prime minister will extend her reign because her main opposition Bangladeshi Nationalist Party (BNP) has boycotted the election.

In explaining the reason behind the boycott, BNP's acting chairman Tarique Rahman told Diplomat Magazine that "as long as Hasina retains power, every election in Bangladesh will involve extensive irregularities, making the much-anticipated level-playing field a distant dream". Since late October 2023, more than 20,000 opposition activists have been imprisoned. Five of these activists died in prison. Human Rights Watch termed the government's response to the opposition as an "autocratic crackdown" ahead of the election.

Bangladesh's agriculture minister Mohammad Abdur Razzaque told media that the government has offered freedom to the imprisoned BNP leaders in exchange for participating in the election, hinting that this crackdown was merely a bargaining chip to legitimise the election. Reports of BNP grassroots activists spending time away from their families and homes to avoid arrests have surfaced.

A New York Times report has claimed that about one million of BNP activists are facing court cases. The number of cases filed against each opposition activist varies from dozens up to 400. The government justifies the crackdown by claiming that opposition activists are being violent. They are setting fire to public transport and hurling crude bombs at police and officials.

The BNP accuses the government of sabotaging the opposition movement with government agents and AL party members posing as opposition to commit violent acts. In the absence of an independent law enforcement and judiciary, it is difficult for external observers to get to the bottom of these claims and counter claims.

Against this backdrop, the rhetoric of regional and global superpowers like India, China, Russia and the US about what the opposition described as

Bangladesh's "farcical" election reveals the intriguing dynamics of the swirling geopolitics which Bangladesh is being dragged into. India and China are supporting the Bangladeshi government in its tilt toward another term.

The two regional powers who oppose each other across Asia make strange bedfellows in the Hasina camp. Sheikh Hasina met with Xi Jinping in August, with Xi claiming China is ready to "strengthen coordination and cooperation with Bangladesh in multilateral affairs and safeguard international fairness and justice". China has invested heavily in Bangladesh through its Belt and Road initiative, while billions in construction contracts have been opened up for Chinese firms going the other way.

India, meanwhile, shares over 4,000 km of its land border with Bangladesh and uses Bangladeshi ports as transit to connect its north eastern frontier to other parts of the country. This was only made possible because of the Hasina government's friendly gesture to India. The US says it wants a free and fair election in Bangladesh and has imposed visa restrictions on what it claims are "Bangladeshi individuals responsible for, or complicit in, undermining the democratic election process."

In an attempt to spread the blame, the statement claimed, "these individuals include members of law enforcement, the ruling party, and the political opposition." Russia has publicly accused the US of interfering in Bangladesh's internal matters and claimed Washington is plotting an Arab-Spring-like post election protests in Bangladesh to overthrow Hasina's government. Despite Moscow's rancour, the US remains one of Bangladesh's most significant trading partners.

The US is a major destination for Bangladesh's billion-dollar textile exports. In addition, because of the US's liberal visa regime, many Bangladeshi businessmen, politicians, military elites and bureaucrats are able to make new homes in the US. US calls for a fair election come against the backdrop of two lopsided votes in 2014 and 2018.

Joe Biden's administration levied human rights sanctions against Bangladesh's elite paramilitary force Rapid Action Battalion and several of its former officials following accusations of severe human rights violations, including hundreds of enforced disappearances and extrajudicial killings. However, these relationships do not exist in a zero-sum vacuum, where every nation is looking to exert their own individual will on Bangladesh.

India and the US are perceived to be allies in the region. The hard work done on growing the relationship from Delhi to Washington has seen a closer diplomatic relationship culminate in the Quad, along with Australia and Japan, aimed almost entirely at deterring China in the region. However, the US sits apart from the Modi government, which argues it is in its national interest that Hasina's government continues. India's reasoning however could be perceived as somewhat thin under analysis.

In a recent keynote speech in Dhaka, India's former foreign minister, M.J. Akbar claimed that superpowers want puppets who can serve their interest because Bangladesh is important geopolitically. Akbar termed Sheikh Hasina as the "liberator of democracy from dictatorship". In reality, all the globally accepted indicators for freedom and democracy contradict Akbar's claim. The statement shows the general sentiment of the Indian establishment towards Bangladesh: that Hasina's rule satisfies Indian aims regardless of the trouble for the people of Bangladesh.

Who wins and who loses may be obvious to the pundits in Dhaka, but the weight that it will put on the US and India relationship will continue long after the vote, with an "agree to disagree mentality" likely to test the burgeoning friendship. Dr Mubashar Hasan is a postdoctoral research fellow at the Department of Culture Studies and Oriental Languages, University of Oslo, Norway. His research was funded by the Norwegian Research Council.

**BBC**

## **Bangladesh elections: My husband died in jail months before vote**

<https://www.bbc.com/news/world-asia-67891682>

A woman, a mother and now a widow. She asked us not to use her name. She has a story to tell but she is afraid to speak in public. We venture along railway tracks to find a quiet place where we can speak privately. Moving away from a crowded marketplace, we head to an abandoned building. Three flights up we stand on a platform with a clear view of the city. The call to prayer echoes in the background. She tells me about her husband.

He was a well-known worker for the Bangladesh Nationalist Party (BNP), the country's main opposition political party. He loved to sing, especially sentimental songs - a big-hearted man who happily indulged his wife and kids. He was arrested by police last year. Just 26 days later, his son got a call. His father had died in jail. "Days earlier my son saw his father, healthy," she said. "My son asked them how he died and they said, we don't know. Just come to the morgue and take him."

When the wife saw her husband, she said he had marks all over his body, hands and face. Authorities told her he had died of natural causes. But she believes he was tortured. "Now my son can't call his father, I can't replace the love a father will give. Who will give the father's love? Now I want justice for my husband." Human rights organisations say politically motivated arrests, extrajudicial killings and other human rights abuses have risen under Prime Minister Sheikh Hasina's government.

A recent report by Human Rights Watch (HRW), said the "violent autocratic crackdown" by Bangladeshi authorities was a clear attempt to quash the opposition before the elections. "This all seems like there is no space for dissent or criticism that is so crucial to a functioning democracy," says Meenakshi Ganguly, Deputy Director of Human Rights Watch, Asia Division.

Given the crackdown on dissent, the BNP said it will boycott Sunday's elections. With no real opposition contesting against her, Prime Minister Sheikh Hasina and her Awami League party are all but assured a fourth consecutive term in office. The government denies allegations of silencing critics and says it is committed to holding free, fair and participatory elections on Sunday. "Let me make one thing clear - we are not gagging anybody," said Ainsul Haq, the Minister for Law, Justice and Parliamentary Affairs.

"Everybody has the right to speak out and we would welcome anybody to come and speak." It's a hard sell to BNP activists. According to HRW, more than 10,000 of their supporters and party leaders are in prison.

"Yes, you can speak freely but nobody is going to take responsibility for the consequences," said Nasrul Islam, a senior leader of the BNP. He said people who spoke freely were arrested, beaten, tortured and then some of them were killed in jail.

Even he takes precautions, no longer sleeping in his house at night, because "that's when authorities come and arrest people."The widowed woman says her late husband's political activities have her worried about her and her family's safety."We are scared - there are a lot of Awami League supporters in the area. They will harass me and my son," she said.

Despite the fear, she still believes her husband did the right thing, for his country. She does not believe in the legitimacy of these elections, saying there is an excessive use of force."He died, he left us. For this reason I will not vote."Additional reporting by Andrew Clarence.

## Deccan Herald

### Bhima-Koregaon and transition of the Dalit self

<https://www.deccanherald.com/opinion/bhima-koregaon-and-transition-of-the-dalit-self-2837975>

On January 1, hundreds of thousands of people gathered at the Bhima-Koregaon monument to mark the 206th anniversary of the battle of Bhima-Koregaon. For about a decade and a half now, the memorial at Bhima-Koregaon near Pune in Maharashtra has become a noteworthy site of public attention, underlining the significance of an alternative reading of social and political histories.

Since the early 2000s, the Ambedkarite Dalits, particularly in Maharashtra, have been celebrating January 1 as a commemoration day of an 1818 battle the Peshwas were defeated. The celebration usually occurs at the obelisk constructed by the English East India Company in 1822 at Perne village (near Koregaon Bhima village), about 20 km from Pune city. In 2005, the Bhima-Koregaon Ranasthambh Seva Sangh was established to formally commemorate the battle.

However, Bhima-Koregaon erupted into national prominence following the violence of 2018. Since then, the state government has taken over the commemoration by organising the venue and providing funds for its celebrations each year. Many prominent leaders attended this year's commemoration. The attendees included Deputy Chief Minister of Maharashtra Ajit Pawar, politician Prakash Ambedkar, Bhim Army chief Chandrashekhar Azad Ravan, Union minister Ramdas Athawale, and Gujarat MLA Jignesh Mevani.

Attempts by organisations such as Shivpratisthan Hindusthan (led by controversial Sambhaji Bhide) or Karni Sena to openly oppose the event have visibly declined. Nevertheless, the challenge of smoothly conducting the occasion remains. Celebrations, like the above-mentioned, are typically construed as a Dalit-Bahujan obsession with identity and politics of symbolism. While this critique is pertinent and well-placed in a particular context, questions must be raised to expand the scope of the discussion.

First, can commemorative events (like Bhima-Koregaon) be solely understood through the narrow prism of symbolism or irrational ritualism? Does commemorating such monuments contribute to furthering the agenda of anti-caste politics?

Caste politics has a complex relationship with the public sphere to offer an easy answer to these questions. However, even if we accept the supposed Ambedkarite fascination for symbolism, we must ask why such events are often bitterly opposed with the threat of violence by different upper-caste organisations.



This is because such commemorative events also open a pathway for alternative cultural expressions. It is not always necessary to presume that people gather at Bhima-Koregaon only to celebrate its history. Such sites also become possible spaces for new political aspirations. Ambedkarite discourse in Maharashtra has marked its space distinctly because it vehemently insisted on the sustenance of alternative cultural vocabulary. In a caste society like India's, the mainstream historical narratives and dominant cultural symbolism are often monopolised by a few dominant castes.

At the same time, the Schedule Castes, Schedule Tribes, and Other Backwards Classes are rendered invisible in the historical and cultural narratives. Events like the one held on January 1 disrupt the status quo and push the mainstream to accommodate the diverse historiccultural contexts of contending social groups.

The invocation of unconventional histories and emphasis on ideological narration of such accounts by the Dalits in recent times has also remarkably epitomised how the Dalit self (and consequently, Dalit identity and politics) has transitioned over the decades. However, the danger of Dalits falling into an identitarian trap is equally genuine. Unwarranted glorification of group identities often risks limiting the vibrancy of radical progressive discourse.

It could lead to the proliferation of half-baked knowledge that provides an easy route for constructing shallow historical narratives. For example, some Ambedkarite scholars wrongly attributed the slogan Jai Bhim to the BhimaKoregaon battle. Thus, an attempt to have a meaningful political engagement with history also gets clouded due to twisted identitarian perspectives. In this context, a meaningful way of commemorating the event would be to reflect on the constructive contribution of Dalits to India's history.

The monument must be regarded as a site of positive memory and as a symbol of political aspiration. The rigid and unhistorical reading of the battle should be given up immediately. Despite a conspicuous contribution made by the Mahars, this battle that led to the decimation of the Peshwas was neither a battle against Brahminism nor the caste system.

The Ambedkarite discourse doesn't need such embellishments, particularly in Maharashtra, where the Ambedkarite Buddhists have succeeded in marking their distinct cultural space in the public sphere.

## Times of India

### SDPI: Cong cheated Muslims and Dalits

<https://timesofindia.indiatimes.com/city/mangaluru/sdpi-alleges-congress-cheated-muslims-and-dalits-in-karnataka-elections/articleshow/106587967.cms>

Mangaluru: SDPI state general secretary BR Bhaskar Prasad has alleged that the Congress has cheated Muslims and Dalits after winning the election with their support in Karnataka. He told reporters here on Friday, that the Congress government in Karnataka has been following an anti-Muslim and anti-Dalit policy.

“While the Congress bagged a majority in the last assembly election and formed a government, nearly 30% of their vote share was from the Muslim community and about 25% from Dalits.

However, the Siddaramaiah government has cheated Muslims and Dalits in various issues including reservation. The Congress has not won the election because of its achievements. In fact, people were forced to hand over the power to the Congress due to the failures of the previous BJP government,” he said.

The Congress promised to solve the issues related to the BJP government’s decision to scrap the 4% OBC quota for Muslims in Karnataka. The party had promised to find solutions to the issue by following the Tamil Nadu model. Accordingly, the Muslim and Dalit communities should have received 17% and 25% reservations, respectively.

However, the Congress government has not taken any decision even after two legislative sessions. The demand of the Muslim community for 8% reservation was diverted by raking up the hijab row, Prasad said.

He said that the Congress government has shown its mentality by arresting leaders, who were planning protests for peace in Palestine. SDPI district president Anwar Sadath and other leaders were present on the occasion.

## Hindustan Times

### How the riots that began in BDD chawls altered the course of Dalit movement

<https://www.hindustantimes.com/cities/mumbai-news/how-the-riots-that-began-in-bdd-chawls-altered-the-course-of-dalit-movement-101704482727593.html>

While the story of these riots can be told in multiple ways, the main theme around which it revolves is the political struggle for power. Hannah Arendt, who analysed the role of violence in public life, remarked that “violence appears where power is in jeopardy”  
MUMBAI: As a millennial, who grew up watching films like Mani Ratnam’s ‘Bombay’, whenever somebody uttered “riots in Mumbai”, by default, the images of the 1992 riots (following demolition of Babri Masjid) conjured up in my mind.

The Worli riots which began in the Bombay Development Department (BDD) chawls on January 5, 1974, during the lifespan of the revolutionary Dalit Panthers and altered the course of the Dalit movement, are not very well known and seldom talked about. They, however, were a significant turning point in the Dalit movement in Maharashtra and hold lessons for today. Fifty years ago, beginning from January 5, these riots shook the core of central Mumbai.

While the story of these riots can be told in multiple ways, the main theme around which it revolves is the political struggle for power. Hannah Arendt, who analysed the role of violence in public life, remarked that “violence appears where power is in jeopardy.” Though the Dalit Panthers were squarely blamed for their provocative speeches and remarks against the Hindu religion, other political, and socio-cultural factors were also at play that led to the 1974 riots.

After its inception, the Dalit Panthers were gaining momentum. They had started developing their organisation with ward-specific units in Mumbai. By announcing a boycott of the by-election to the Lok Sabha from the Central Bombay constituency, they wished to raise the political consciousness of the Dalit populace. Furthermore, it was also an attempt to bring to the attention of the government and the broader public the appalling conditions of the Dalits in the country. The ruling class was thrown a curveball due to this and the dynamics changed.

Riots are usually planned, deliberate attempts or a clampdown on the assertion of the marginalized, thereby, hampering their socio-economic capacity to create wealth and resources. Veteran leader J V Pawar in his book, ‘Dalit Panthers: An Authoritative History’ (translated from Marathi by Rakshit Sonawane) has observed:

“The Dalit Panther was at its prime until January 4, 1974. On January 5, 1974, a masterminded riot engulfed the entire Mumbai metropolis, especially Worli and Naigaon, and claimed the lives of Dalit Panthers Bhagwat Jadhav and Ramesh Deorukhkar.”

Here emphasis must be laid on the word “masterminded”. The news of Dalit Panther’s support for the Congress candidate was deliberately disseminated. To clarify their position on the by-election, the Panthers called a public meeting on January 5.

As the meeting progressed and the Panther leaders upheld their call for a boycott of the election, troublemakers from the audience started pelting stones. In turn, the police started using tear gas and lathis to quell the mob. This episode turned out to be the precursor to a bloody phase of rioting.

The Worli riots lasted for over two months – from January 5 to February 16 and from April 6 to 19. Violence persisted between the Hindu chawls and Buddhist chawls which were next to or facing one another. Alleys, corners, and terraces were all hotspots for violence. During the clashes, stones, bricks, soda water bottles and sticks were freely used; some chawls were also set on fire. A judicial inquiry into the matter was ordered by the Maharashtra Government and the one-man Inquiry Commission led by Justice S B Bhasme, submitted its report in 1976.

Dalit assertion has been always putting up with systemic biases. One must also dwell upon the police brutality. The awful mentality of the privileged castes to “teach a lesson” to the Dalits who had defiantly challenged them plagued even the police force. Many have, therefore, dubbed the 1974 riots a “police riot” against Dalits since the police kept the Dalits under control while allowing those who were attacking them to be scot-free.

This partisanship was also the source of the sustained violence. Selective and distorted reportage by the press also heightened tensions and fuelled animosity between the Shiv Sainiks and Panthers, and therefore between Hindus and Buddhists. These riots also underlined the need for proper channelization of the unrest of the youth. In such circumstances, systemic disparities, and partisan attitudes of the police and media are to be blamed. It was prudent on the part of the Panthers to demand that more Dalits be recruited into the police force.

The Dalit Panther leaders received significant national and worldwide recognition because of these riots, but the movement and its radical assertion suffered. Buddhists were the primary victims of this caste violence and imbroglio since they were a minority. A segment of the Panthers started to reconsider their methods and strategy. Internal disagreements over the best strategies to pursue their goals which were still dormant until the riots, became manifestly apparent.

By the end of 1974, the Panthers had split due to these internal discords. Besides, in the aftermath of these riots, an effort for the unity of RPI was also made, whose leaders perceived the Dalit Panthers as a threat to their leadership. But this unity was short-lived. Personality clashes, political ambitions, jealousy and infighting among the leaders serve only to weaken the movement at such times.

Studies on violence show that whenever an outfit raised by the disadvantaged or marginalized gains popularity such violence is utilised to splinter them and keep them in “their place.” Following the riots, the Dalit Panther Movement faced a setback. Often

electoral incentives determine the instigation of communal and casteist sentiments. In such a situation, the fragmentation of the Dalit movement serves the interests of the oppressors.

The tussle between Shiv Sena and Buddhists was later utilised to bolster support for the ruling party which thwarted the radical challenge posed by the Dalit Panthers. The issue of the unity of the Dalit leadership still looms large in front of us. Also, the fact that Dalit women were at the forefront of the morchas and agitations that had taken place to condemn police brutality and seek the release of the Dalit Panthers cannot be disregarded.

Since the times of Dr Babasaheb Ambedkar, Dalit women have had a place in the Ambedkarite movement. It is now time for them to assume significant leadership roles. Even though the 1970s was a different era, the political fortunes of the Dalit community have not changed much. The Dalit movement has to steer itself carefully by revisiting and learning from the past.

## Deccan Herald

### OBC, Dalit pontiffs ask CM to accept caste census

<https://www.deccanherald.com/india/karnataka/obc-dalit-pontiffs-ask-cm-to-accept-caste-census-2838293>

A federation of pontiffs representing backward and Dalit mutts met Karnataka Chief Minister Siddaramaiah on Saturday and petitioned him to accept the findings of the Socio-Economic & Educational Survey, popularly known as caste census. Siddaramaiah said his government will decide based on legal opinion.

The pontiffs' delegation included Siddarameshwara Swami from the Bhovi community, Valmiki Prasannanandapuri Swami, Kaginele Mahasamsthana's Kanaka Gurupeeta Niranjananandapuri, and others. After Bihar released its caste census data, triggering a political earthquake, pressure is mounting on Siddaramaiah to make public the findings of a similar exercise that he commissioned during his first term in office.

The caste census was carried out between April 11 and May 30 2015 when H Kantharaj was the chairperson of the Karnataka State Commission for Backward Classes. The government spent Rs 164.84 crore on this. The findings are with the Commission. The dominant Vokkaligas and Lingayats have asked Siddaramaiah not to release the findings because the survey was not done scientifically.

They have urged him to commission a fresh survey. According to a statement from the chief minister's office, Siddaramaiah informed the delegation that the government has given the Commission time until January 31 to submit the report. "Commission chairperson Jayaprakash Hegde has said that Kantharaj's report can't be submitted verbatim. We will take the next steps after obtaining legal opinion," Siddaramaiah said.

In the petition, the pontiffs berated former chief ministers HD Kumaraswamy, BS Yediyurappa and Basavaraj Bommai for sitting on the report when they were in office. During the discussion, the pontiffs told Siddaramaiah that the guarantees had benefitted the working classes, according to the statement.

The pontiffs also sought land for mutts. Tahsildars have been asked to submit a report, the statement said, adding that Siddaramaiah made a phone call to the Bengaluru Rural deputy commissioner and sought early action.

## Hindustan Times

### Inspector, 5 others booked for looting, thrashing dalit advocate in Lucknow

<https://www.hindustantimes.com/cities/lucknow-news/inspector-5-others-booked-for-looting-thrashing-dalit-advocate-in-lucknow-101704479546026.html>

In his complaint, Lakhan said that he had gone to the Krishna Nagar police station for some work where his rival Sunil Dubey and others surrounded him. On court's order, a case was registered against six people on Wednesday for looting cash, thrashing and inserting a pistol in the mouth of a dalit advocate .

The incident occurred on March 6, 2023 on the Krishna Nagar police station premises. Those named in the case were identified as additional inspector Sunil Kumar Azad (presently inspector, Madeyganj police station), Kaushalendra Pratap Singh (reader of ACP Krishna Nagar), victim's rival Sunil Kumar Dubey,

Ram Milan Singh Chuahan and his wife Urmila Singh Chauhan and Vaibhav Dubey, all of Subhash Nagar in Krishna Nagar. The victim Lakhan Singh of Subhash Nagar is an advocate and the accused had enmity with him over a property-related dispute.

In his complaint, Lakhan said that he had gone to the Krishna Nagar police station for some work where his rival Sunil Dubey and others surrounded him. Sunil attacked him and hurled casteist remarks while inspector Azad snatched ₹5,500 from him. The other accused, including Urmila, looted his gold ring and phone . Sunil whipped out a pistol and inserted the nozzle in his mouth while threatening to fire.

"Late,r inspector Azad and other policemen put me inside the lock-up where I was abused and beaten by the policemen and Sunil. The police men did this at Sunil's behest. The next day the police sent me to jail and I was released on bail on May 2." He said the police did not lodge his complaint. So he moved the court.

## Scroll

### **‘Unequal’ offers enlightening glimpses of inequity in India, but the truth is more complex**

<https://scroll.in/article/1061627/unequal-offers-enlightening-glimpses-of-inequity-in-india-but-the-truth-is-more-complex>

In 2023, numerous outstanding books appeared on Dr BR Ambedkar’s life and India’s caste-based inequalities. All of them are written by upper-caste authors and scholars, highlighting the urgent need for Dalit-Adivasi voices in the intellectual mainstream. Otherwise we will perpetuate an upper-caste echo chamber where it’s hard to distinguish between oppressors, virtue signallers, those advancing their careers through token activism, and those genuinely seeking redress.

That said, among the three Ambedkar biographies published this year, written by Shashi Tharoor, Aakash Singh Rathore, and Ashok Gopal, respectively, Gopal’s *A Part Apart: The Life and Thought of BR Ambedkar*, elegantly produced by Navayana, stands out for its sincerity, objectivity and erudition. *Caste Pride* by Manoj Mitta is a significant record of legal battles surrounding caste atrocities against Dalits and the struggle for justice and equality from the British Raj to the present day.

Swati Narayan’s *Unequal: Why India Lags Behind Its Neighbours* gives the finishing touch to the impressive collection of books on such themes published in 2023. It’s densely researched, peppered with astonishing statistics and bristling observations, weaving a travelogue-style narrative and generosity of spirit for the marginalised in light-footed prose.

#### **Bihar’s corrosive caste prejudice**

The book is the fruit of Narayan’s doctoral research and fieldwork. Her overarching thesis is that socio-economic inequality, dismal human development indicators, and a near collapse of public and health services in the region of Bihar result from the corrosive caste prejudice and patriarchy, driven chiefly by upper-caste feudal men.

India’s triumphalist, wealthy elite fails to realise that a chain is only as strong as its weakest link. Despite India’s rapid capitalist growth, women’s workforce participation has fallen below Saudi Arabia’s. Narayan writes, as the number of Indian billionaires increases, “the bottom half of India’s population has to survive on only 6 per cent of the nation’s wealth.”

Meanwhile, India’s poorer neighbours, Nepal and Bangladesh, have surpassed it as inclusive welfare states. The details about Bihar’s poverty, unsanitary conditions, open defecation, stunted and malnourished women and children, caste-based prejudice and atrocities such as the Laxmanpur Bathe massacre get overwhelming. Within this dystopia, the upper caste minority, backed by star news anchors and newspaper columnists, decry educational and job reservations as the death of merit. On the other



hand, many dominant-caste teachers actively sabotage Dalit education to maintain their disempowerment.

There is hardly a ray of hope in Narayan's North Indian accounts except for some Indians visiting Nepal as desperate medical tourists to access better health services. The rare positive example of one of India's 166 billionaires being a Dalit doesn't inspire confidence. After all, the Dalit billionaire, Rajesh Saraiya, achieved this distinction after leaving India and continues to reside abroad.

Though Bihar is chosen as a grim case study, India as a whole barely shines, where 21 million poor women are "missing from the electoral roles [sic]", 90 per cent of parliamentarians are millionaires, and 43 per cent face criminal charges. If that's public knowledge, then one shudders to think what's hidden.

One feels relief when Narayan travels out of Bihar's oppressive milieu into Bangladesh and Nepal and notices the marginalised, especially Dalits and women, experience a much better quality of life. Government schools deploy innovative methods, like painting the walls with arithmetic tables, maps and alphabets, to promote learning. Surprisingly, in Muslim-majority Bangladesh, girls and women fare better than their counterparts in Hindu-majority Bihar.

It's not religion, but socio-cultural factors that uphold patriarchy. At times, the book's generalisations scuttle nuanced thinking. It's puzzling why several NGOs serve Bangladesh's welfare state so well. Why can't the same model work in India? Narayan states that the catastrophes of the 1971 war and the 1974 famine alerted Bangladesh's political elite to the welfare of ordinary people. However, India has experienced its share of tragedies and upheavals. Why hasn't the Indian elite woken up?

Manoj Mitta's *Caste Pride* reveals how the caste hatred and misogyny – such as the forcible burning alive of upper-caste widows and denying Travancore's low-caste women the right to cover their breasts – in Indian culture has its origins in orthodox Hindu theology and literature such as the *Manusmriti*. A similar theme emerges briefly in Narayan's book, noting that in 1854, Nepal's ruling elite codified state institutions based on the *Laws of Manu*.

If modern Nepal can swiftly discard regressive Hinduism, how can India do the same? The incredibly diverse India would require multiple approaches. For one, we can tap into the reformist and inclusive tendencies of Hindu-Buddhist philosophies while, as Narayan suggests, remaining open to global progressive movements.

After encountering India's nightmarish sanitation issues, we read about the abundance of clean toilets in Bangladesh and Nepal. Why the dramatic contrast? The author indicates that Islam emphasises cleanliness, and Nepal's reformist government is almost bullish in encouraging its citizens to build subsidised toilets. Such factors have

done wonders for the people in these countries, but the Swacch Bharat campaign has failed India's poorest and the outcastes.

Occasionally, the author's research and conclusions may appear deliberate, especially for those who are fans of Prime Minister Modi and Hindu exceptionalism. Some might perceive her account as foregrounding India's laments, in stark contrast to the upbeat stories emerging from Bangladesh and Nepal.

Narayan explains her decision not to compare West Bengal with Bangladesh due to the former's greater financial prosperity. That doesn't stop her from recording how Bangladeshis ridicule their West Bengali brethren across the border, relieving themselves in the open without access to toilets. If West Bengal is progressive and wealthier, what explains its lack of toilets compared to Bangladesh? Critics of the book would argue that it has a "leftist" agenda to disparage Hindu India.

Is communism the answer?

When Narayan's focus shifts to exemplary Kerala, Tamil Nadu, and Sri Lanka, sanitation and toilets are never discussed. I was eager for insights into how these regions compared to the experiences of Bangladesh and Nepal. Did caste determine who was made to deal with waste disposal? In the last five years, Tamil Nadu has registered the highest number of deaths of sanitation workers operating in hazardous conditions. Adding a few pages on the current state of Dalits in South India would have been helpful.

One more quibble. Narayan betrays a fascination or romantic bias for communist governments and leftist insurgencies. She implies that West Bengal's better human development indicators are owed to its long-term communist government rule. Why not mention the Nandigram massacre? Why did the communists fail to get back into power after losing it?

Likewise, she claims, with some good evidence, that Nepal's ten-year armed Maoist struggle has considerably improved the living conditions for Dalits, women, and other marginalised groups. Kerala's communist rule is also cited as a catalyst for progress and equality. However, she has to admit that Tamil Nadu's non-Brahmin majoritarian politics achieved the good things without relying on communist ideology.

In Bihar, she observes that Naxalite movements were brutally crushed by upper-caste militia such as the Ranvir Sena before the comrades could bring egalitarian fruits like those in Nepal. This overall binary between orthodox, unjust upper-caste Hindus and egalitarian Maoists and communists doesn't quite work. In Tamil Nadu and elsewhere, the backward-caste resurgence has resulted in dispossession and atrocities against Dalits and poor Muslims.

On the other hand, the best positions in Kerala and West Bengal's communist regimes were monopolised by Brahmins, manifested by the monarch-like reigns of EMS Namboodiripad and Jyoti Basu. In a vast country like India, the truth is too complex and unsettling to capture in a short book.

These caveats aside, Narayan's work is eminently readable and enlightening. It is a perfect coda to the other splendid books on similar themes published this year. I particularly enjoyed the author recounting the intellectual leadership and political assertion of Dalit leaders such as C Jyothee Thass, MC Rajah and Dr Ambedkar. Having read *Unequal*, every Indian, including politicians and policymakers, should emulate our egalitarian neighbours. If not, we should fear, as VS Naipaul put it, a million mutinies now.

## Telangana Today

### Councillor held for murder attempt on Dalit in Adilabad

<https://telanganatoday.com/councillor-held-for-murder-attempt-on-dalit-in-adilabad>

Adilabad: Uske Raghupathi, a municipal councillor and prime accused in attempting to murder a Dalit youngster, was arrested here on Saturday. DSP V Umender said Raghupathi was nabbed in the town and produced before court. He was absconding following the incident on December 18.

Six persons including his wife Arundati, Chowhan Ravi, G Ashok, Shaik Dilshad from KRK colony in Adilabad town and V Raju of Jainad mandal were booked for allegedly trying to kill Vamshi of Mavala mandal centre. Ravi, Ashok, Dilshad and Raju were already arrested, while Arundati got anticipatory bail.

Raghupathi allegedly hired Ravi, Ashok, Dilshad and Raju for Rs.15 lakh to eliminate Vamshi for being in a relationship with his daughter. Vamshi, however, managed to survive when the four hit him with a jeep.

## Indian Express

### Human trafficking angle: SIT approaches passengers deported from France for probe

<https://indianexpress.com/article/cities/chandigarh/human-trafficking-sit-passengers-deported-france-probe-9097574/>

Formed to investigate the human trafficking angle into the flight with 303 Indians bound for Nicaragua, a four-member Special Investigation Team (SIT) has started approaching the passengers deported from France. On December 30, Bureau of Investigation director L K Yadav had constituted this SIT.

Headed by Ferozepur SP (Investigation) Randhir Kumar, it has three members: Ludhiana Civil Lines ACP Jasrup Kaur Bath, Ferozepur DSP (Investigation) Balkar Singh Sandhu and Patiala DSP (Headquarters) Dalbir Singh Sidhu. The SIT has been asked to submit the final report to the competent court at the earliest.

Talking to The Indian Express, SIT head Randhir Kumar said, "We have made it clear that we will treat all the passengers as victims. We want them to report to the police if any wrong has been done to them. We will not take any action against them. They are victims for us, and we want them to open up if someone made any commitment to them in exchange for money."

As no victim has come forward so far, the police team has attempted to approach some passengers deported from France. A woman deported from France, when contacted, told the police that she was on vacation and travelling as a tourist. Besides, the police are trying to obtain information about whether these passengers bought the flight tickets from India to Dubai on their own or some agent made bulk bookings for them. So far, no agent has been questioned.

All the passengers had gone to Dubai on legal passports and visas. However, from there, a chartered flight was arranged for these passengers for Nicaragua. The flight had landed in France to fill fuel. However, the French authorities grounded the flight, suspecting it was used for human trafficking. Later, Indian passengers on this flight were deported back.

## India Today

### India Today Impact: Indian Embassy assures assistance to woman 'trafficked' to Oman

<https://www.indiatoday.in/india/story/indian-woman-trafficked-oman-embassy-contact-assistance-return-home-2485003-2024-01-06>

After indiatoday.in reported that a 48-year-old woman from Jharkhand was allegedly trafficked to Oman on the pretext of offering her a job, the Indian Embassy in Oman has said it has spoken to her. In a tweet, the embassy said the woman, Fareeda Begum, would get all the necessary assistance for her early repatriation in coordination with local authorities.

"Embassy officials have spoken with Fareeda Begum. All assistance will be provided for her early repatriation in coordination with local authorities," the Indian Embassy in Oman wrote on X. Fareeda Begum, a resident of Golconda, Hyderabad, said she was offered a job as a housemaid in Dubai by a woman named Shenaz Begum, and was promised a payment of 1,400 Dirhams (around Rs 31,700) apart from accommodation and meals.

According to Fareeda's sister Fahmeeda, Shenaz said Fareeda Begum could return home whenever she wished if she found the job unsatisfactory. On November 4, 2023, Fareeda Begum went to the UAE on a visitor visa valid for 30 days. She was taken to an Arab family, where she began working as their housemaid, Fareeda's sister told India Today TV.

After a month, Fareeda fell seriously ill and expressed her desire to return home, but Shenaz Begum allegedly withheld her passport. Meanwhile, Fareeda's condition worsened and she was admitted to a hospital. Shenaz Begum then "trafficked" her to Oman's capital Muscat, alleged Fahmeeda.

In Muscat, Fareeda Begum was diagnosed with a kidney infection, her sister said. Fahmeeda wrote to External Affairs Minister S Jaishankar on December 28, 2023, seeking the government's help to rescue her sister and bring her back home.

## India Today

### 26 girls missing from illegally-run children's home in Madhya Pradesh

<https://www.indiatoday.in/india/story/26-girls-from-gujarat-jharkhand-other-states-go-missing-from-unregistered-orphanage-in-madhya-pradesh-2485101-2024-01-06>

At least 26 girls hailing from different states, including Gujarat, Jharkhand, Rajasthan and Madhya Pradesh, have gone missing from an illegally-run shelter home in Bhopal. The incident came to light when National Commission for Protection Of Child Rights (NCPCR) chairman Priyank Kanungo made a surprise visit to the Aanchal Girls' Hostel in the Parwalia area on the outskirts of Bhopal.

After checking the shelter home's register, Kanungo found that there were entries of 68 girls in it, but 26 of them were missing. When Anil Mathew, the director of the shelter home, was questioned about the missing girls, he did not give "satisfactory answers". An FIR has been filed by the police in the case. The girls belonged to Gujarat, Jharkhand and Rajasthan, while some of them hailed from Sehore, Raisen, Chhindwara and Balaghat in Madhya Pradesh.

According to the FIR, many irregularities have been found in the children's home, which was also being run illegally. In a tweet, Kanungo said a missionary, who was managing the children's home, had rescued some children from the streets and was running the shelter home without any licence. The NCPCR chairman also alleged that those rescued had been kept secretly in the children's home and were made to practice Christianity.

"Most of the girls aged between 6 and 18 are Hindus. After much difficulty, the police have registered an FIR," Kanungo said. "Unfortunately, the officials of the Women and Child Development Department of Madhya Pradesh want to run the child helpline on contract from such NGOs," he added.

All the girls who went missing were living without the orders of the Child Welfare Committee. However, officials of the children's home claimed that the children were rescued and later presented before the Child Welfare Committee. According to the FIR, the children's home has not been shut down and meat and fish items were found in the kitchen. The FIR also stated that there were girls of different religions in the children's home, but, officials said, they were made to worship only one religion (Christianity).

Notably, there were no CCTV cameras in the children's home. Apart from two women security personnel, there are two male guards at night, which is a violation of the rules. It is mandatory to have only female guards in the girls' shelter home. A notice regarding the incident has been sent to the state Chief Secretary.

BJP, CONGRESS REACT

Taking note of the incident, former Madhya Pradesh Chief Minister and senior BJP leader Shivraj Singh Chouhan has urged the government to look into the matter and take immediate action."Considering the seriousness and sensitivity of the matter, I urge the government to take note and take immediate action," he wrote on X.

Former minister and Congress leader Sajjan Singh Verma hit out at the BJP government, alleging that there was a mushrooming of illegal children's homes under their rule."Along with religious conversion, there is a dirty game of human trafficking and a lot of immoral activities. The BJP does politics in the name of religion and such activities are taking place under their nose. It is shameful," Verma said.



## Udayavani

### Weapons seizure case: NIA attaches property in Srinagar

<https://english.udayavani.com/article/weapons-seizure-case-nia-attaches-property-in-srinagar/1584877>

Srinagar: The National Investigation Agency (NIA) on Saturday attached a residential house here in Jammu and Kashmir in connection with a weapons seizure case, officials said. The house is located in Khan Colony in the city's Chanapora area and belongs to Mushtaq Ahmad, they said.

The property has been attached in connection with "case RC-4/2022/NIA/JMU registered in connection with recovery of arms and ammunition", the officials said. The arms and ammunition along with incriminating material were seized from the house following the arrest two local hybrid militants of the Lashkar-e-Taiba (LeT)-

The Resistance Front (TRF) in May 2022, the officials said. Fifteen pistols, 30 magazines and 300 rounds were among the items seized from the house, they added.

## Human Trafficking Cases: एनआईए ने मानव तस्करी मामले में बंगाल में छापेमारी की

<https://jionews.com/home/article/10/1446998204/Human-Trafficking-Cases-%E0%A4%8F%E0%A4%A8%E0%A4%86%E0%A4%88%E0%A4%8F-%E0%A4%A8%E0%A5%87-%E0%A4%AE%E0%A4%BE%E0%A4%A8%E0%A4%B5-%E0%A4%A4%E0%A4%B8%E0%A5%8D%E0%A4%95%E0%A4%B0%E0%A5%80-%E0%A4%AE%E0%A4%BE%E0%A4%AE%E0%A4%B2%E0%A5%87-%E0%A4%AE%E0%A5%87%E0%A4%82-%E0%A4%AC%E0%A4%82%E0%A4%97%E0%A4%BE%E0%A4%B2-%E0%A4%AE%E0%A5%87%E0%A4%82-%E0%A4%9B%E0%A4%BE%E0%A4%AA%E0%A5%87%E0%A4%AE%E0%A4%BE%E0%A4%B0%E0%A5%80-%E0%A4%95%E0%A5%80>

कोलकाता, 5 जनवरी : मानव तस्करी पर राष्ट्रव्यापी जांच को लेकर राष्ट्रीय जांच एजेंसी (एनआईए) ने शुक्रवार को पश्चिम बंगाल के उत्तर 24 परगना जिले के गाईघाटा में राज्य खाद्य एवं आपूर्ति विभाग के एक कार्यालय पर छापेमारी और तलाशी अभियान चलाया. सूत्रों ने बताया कि ये छापेमारी पिछले साल नवंबर में गाईघाटा इलाके से केंद्रीय एजेंसी द्वारा की गई एक गिरफ्तारी की फॉलोअप कार्रवाई थी.

8 नवंबर को एनआईए ने विकास हलदर को मानव तस्करी के मामले में गाईघाटा के आनंदपुर इलाके में उसके किराए के आवास से गिरफ्तार किया था. एनआईए ने हलदर के आवास से दस्तावेज भी जब्त किए थे. एनआईए की जांच में खुलासा हुआ कि हलदर जो अपनी पत्नी और बेटी के साथ गाईघाटा के किराये के मकान में रहता था, वास्तव में बांग्लादेश के निवासी हैं.

एनआईए ने उत्तर 24 परगना जिले के बारासात में एक स्थानीय व्यवसायी के आवास पर भी छापा मारा, जहां से दस्तावेज बरामद हुए. सूत्रों ने कहा कि राज्य खाद्य एवं आपूर्ति विभाग में एनआईए की छापेमारी संभव है कि केंद्रीय एजेंसी द्वारा जब्त किए गए दस्तावेजों से जुड़ी हुई है. शुक्रवार को ईडी और सीएएफपी की टीम ने जब संदेशखाली इलाके में टीएमसी नेता शेख शाहजहां के आवास पर छापेमारी करने का प्रयास किया था. तब स्थानीय लोगों ने टीम पर हमला किया था.