

# NHRC-National Human Rights Online News

## HRW

### India: Increased Abuses Against Minorities, Critics

<https://www.hrw.org/news/2024/01/11/india-increased-abuses-against-minorities-critics>

The Indian government undermined its aspirations for global leadership as a rights-respecting democracy during 2023 with its persistent policies and practices that discriminate and stigmatize religious and other minorities, Human Rights Watch said today in its World Report 2024. The Hindu nationalist Bharatiya Janata Party (BJP)-led government also arrested activists, journalists, opposition politicians, and other critics of the government on politically motivated criminal charges, including terrorism.

“The BJP government’s discriminatory and divisive policies have led to increased violence against minorities, creating a pervasive environment of fear and a chilling effect on government critics,” said Meenakshi Ganguly, deputy Asia director at Human Rights Watch. “Instead of holding those responsible for abuses to account, the authorities chose to punish the victims, and persecuted anyone who questioned these actions.” In the 740-page World Report 2024, its 34th edition, Human Rights Watch reviews human rights practices in more than 100 countries.

In her introductory essay, Executive Director Tirana Hassan says that 2023 was a consequential year not only for human rights suppression and wartime atrocities but also for selective government outrage and transactional diplomacy that carried profound costs for the rights of those not in on the deal. But she says there were also signs of hope, showing the possibility of a different path, and calls on governments to consistently uphold their human rights obligations.

Indian authorities harassed journalists, activists, and critics through raids, allegations of financial irregularities, and use of the Foreign Contribution Regulation Act, which regulates foreign funding of nongovernmental organizations. In February, Indian tax officials raided the BBC offices in New Delhi and Mumbai in an apparent reprisal for a two-part documentary that highlighted Prime Minister Narendra Modi’s failure to provide security for Muslims. The government blocked the BBC documentary in India in January, using emergency powers under the country’s Information Technology Rules.

On July 31, communal violence broke out in Nuh district in Haryana state during a Hindu procession and swiftly spread to several adjoining districts. Following the violence, as part of a growing pattern, the authorities retaliated against Muslim residents by illegally demolishing hundreds of Muslim properties and detaining scores of Muslim boys and men. The demolitions led the Punjab and Haryana High Court to ask the BJP-led state government whether it was conducting “ethnic cleansing.”

Over 200 people were killed, tens of thousands displaced, hundreds of homes and churches destroyed, and the internet shut down for months, after violence erupted in May in Manipur state, in northeastern India, between the majority Meitei and the minority Kuki Zo communities. BJP's state chief minister, N. Biren Singh, fueled divisiveness by stigmatizing the Kuki, alleging their involvement in drug trafficking, and providing sanctuary to refugees from Myanmar.

In August, the Supreme Court said the state police had "lost control over the situation," and ordered special teams to investigate the violence, including sexual violence. In September, over a dozen United Nations experts raised concerns over the ongoing violence and abuses in Manipur, saying the government's response had been slow and inadequate. Indian authorities continued to restrict free expression, peaceful assembly, and other rights in Jammu and Kashmir. Reports of extrajudicial killings by security forces there continued throughout the year.

The government attempted to shield a BJP parliament member, Brij Bhushan Singh, after female athletes filed complaints of sexual abuse spanning a decade, when he was president of the Wrestling Federation of India. Security forces tackled and forcibly detained women wrestlers, including Olympic medalists, as they demanded justice and safety for female athletes.

In September, India, holding the rotating presidency, hosted the summit of the Group of Twenty (G20), the world's largest economies, and pushed to include the African Union as a permanent member and make the group more representative and inclusive. India actively promoted the use of a digital public infrastructure to expand delivery of social and economic services. However, rampant internet shutdowns, lack of privacy and data protection, and uneven access among rural communities harmed those efforts.

## The Wire

### In 2023, BJP's Policies Sparked Violence and Rights Abuses in India, Says Human Rights Watch

<https://m.thewire.in/article/rights/in-2023-bjps-policies-sparked-violence-and-rights-abuses-in-india-says-human-rights-watch>

New Delhi: In 2023, the Bharatiya Janata Party government's discriminatory and divisive policies led to increased violence against minorities, creating a pervasive environment of fear and a chilling effect on government critics, Human Rights Watch said on January 11 (Thursday) in its World Report 2024. The Modi government, through persistent discriminatory practices, undermined its global leadership aspirations as a rights-respecting democracy, it added.

"Instead of holding those responsible for abuses to account, the authorities chose to punish the victims, and persecuted anyone who questioned these actions," said Meenakshi Ganguly, deputy Asia director at Human Rights Watch. In the 740-page World Report 2024, its 34th edition, Human Rights Watch reviews human rights practices in more than 100 countries.

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The government blocked the BBC documentary in India in January, using emergency powers under the country's Information Technology Rules. The report listed several events, highlighting discriminatory practices against religious and other minorities.

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divisiveness by stigmatising the Kuki, alleging their involvement in drug trafficking, and providing sanctuary to refugees from Myanmar,” it said.

“In August, the Supreme Court said the state police had ‘lost control over the situation’, and ordered special teams to investigate the violence, including sexual violence. In September, over a dozen United Nations experts raised concerns over the ongoing violence and abuses in Manipur, saying the government’s response had been slow and inadequate,” it added.

The report further pointed out that Indian authorities persistently limited freedom of expression, peaceful assembly, and other rights in Jammu and Kashmir. Incidents of extrajudicial killings by security forces persisted throughout the year.

It also highlighted the case of BJP MP Brij Bhushan Singh, who has been accused of sexual abuse by at least six women wrestlers, spanning a decade, during his tenure as president of the Wrestling Federation of India. While fighting for justice, women wrestlers, including Olympic medalists, were forcibly detained by security forces.

## The Hindu

### From karsevak to human rights activist: Bhanwar Meghwanshi to talk at Bengaluru

<https://www.thehindu.com/news/cities/bangalore/from-karsevak-to-human-rights-activist-bhanwar-meghwanshi-to-talk-at-bengaluru/article67727192.ece>

The People's Union for Civil Liberties (PUCL) – Karnataka Chapter, is holding a talk by author and activist Bhanwar Meghwanshi on his journey as a human rights activist. The talk will be held at 6 p.m. on January 11 at the Alternative Law Forum on Infantry Road.

Meghwanshi, who is also the president of PUCL-Rajasthan chapter, published his book "I could not be Hindu: The Story of a Dalit in the RSS", translated from Hindi to English by Nivedita Menon, in 2019.

"Bhanwarji has been talking about this book in many places throughout the country. He has also been speaking about his current work with Dalit groups as an activist on ground and as a writer. He works very closely with artist groups, cultural groups and so on," said Aishwarya. R., general secretary, PUCL-Bangalore, to The Hindu.

"We felt that this is a time when we need to listen to these voices that are both grounded within social movements and have contributed to the intellectual space," she added.

#### The transition

The talk would focus of Meghwanshi's journey from being a young RSS worker to later becoming a Dalit rights activist, and also on the different efforts that he is invested in right now. "His book is an extremely personal account. So, we wanted to see if he could speak about that, his realisations, disillusionment and what he stands for in a little more detail to a Kannada audience," Aishwarya said.

"The talk would also lead up to the different kinds of efforts that he is invested in right now, because we see that in Bengaluru, there are a lot of efforts to bring together poets, artists, writers, and so on to talk about histories of syncretic cultures in Karnataka, and how we could hold on to the Constitutional values and our cultural heritage.

That's one of the main reasons we're holding this talk in Hindi and Kannada," she added. Meghwanshi, who was born into a Dalit family in Rajasthan, joined Rashtriya Swayamsevak Sangh (RSS) in the 1980s at the very young age of 13. This was also the time the Ram Janmabhoomi movement was gaining momentum pulling in thousands of people to the Sangh fold.

Meghwanshi grew through the RSS ranks, however, not without noticing that a Dalit couldn't grow beyond a point within the organisation and the supreme positions were reserved for the upper castes, according to his book. The tipping point came when the

leaders of the organisation refused to eat the food cooked at his home, he says in the book. Disillusioned with the organisation he walked out of RSS in 1991. Meghwanshi is today an activist working for the rights of the Dalits and the marginalised.

Ear to the ground

“His biggest strength is the close relationship he has with the grassroot level movements in Rajasthan and elsewhere. He worked for more than 10 years with the Mazdoor Kisan Shakti Sangathan as well. So, he’s a walking-talking example of what it means to do intellectual work and still have your ear to the ground and your feet on the ground,” Aishwarya said.

**NDTV**

## **Indian Man Accused Of US Murder Plot Facing Rights Violations: Lawyer**

<https://www.ndtv.com/india-news/indian-man-accused-of-murder-plot-facing-rights-violations-claims-lawyer-4840281>

Indian national Nikhil Gupta, charged by federal prosecutors in a murder-for-hire plot to kill a Khalistani terrorist on American soil, is being subjected to human rights violations, including extended solitary confinement, while in custody in the Czech Republic, his lawyer has said in court documents.

The court documents also say Gupta was last in the United States in 2017. Gupta, 52, was charged by federal prosecutors here in an indictment unsealed in November last year with working with an Indian government employee in the foiled plot to kill Khalistani terrorist Gurpatwant Singh Pannun, who holds dual US and Canadian citizenships, on American soil.

Gupta was arrested in Prague, the Czech Republic on June 30, 2023 and is being held there currently. The US government is seeking his extradition to America. His attorney Jeff Chabrowe filed a 'Motion to Compel Production of Discovery' on January 4 in the US District Court, Southern District of New York, requesting the Court to direct federal prosecutors to provide "the defence materials relevant to its ability to defend the instant charges." In the motion, his attorney stated that Gupta, an Indian national, "was last in the United States in 2017."

The motion states that Gupta's family has reported to the media that they have "limited access" to him, he is not allowed consular access and he "faces basic human rights violations in custody in Prague, including extended solitary confinement. A habeas petition has been filed on his behalf with the Supreme Court of the Czech Republic."

US District Judge Victor Marrero had on January 8 given the government three days' time to respond to the motion filed by Gupta's attorney. The government, in its reply filed with the district court Wednesday, said Gupta's motion asking for discovery material should be denied.

"The government respectfully submits this letter in opposition to defendant Nikhil Gupta's motion to compel discovery during the pendency of his extradition proceedings in the Czech Republic," federal prosecutors said.

They said that consistent with federal rules of criminal procedure, "the government is prepared to produce discovery promptly upon the defendant's appearance in this District and arraignment on this case. Before then, however, the defendant is not entitled to discovery, and he identifies no good reason for the Court to order it."

In the government's response, US Attorney Damian Williams said that Gupta has identified no legal entitlement or justification for discovery at this time. "The government stands ready to provide discovery to him, like any other criminal defendant, promptly upon his appearance and arraignment in this District. His motion to compel discovery should be denied," Williams said.

The US government notes in its reply that the 15-page superseding indictment contains the charges as well as additional factual details concerning the murder-for-hire plot and Gupta's actions in furtherance of that plot.

As described in the superseding indictment, to facilitate the murder, Gupta arranged for an associate to make an initial USD 15,000 payment in cash to a US law enforcement undercover officer in Manhattan.

Over the course of several weeks, Gupta regularly discussed the alleged plot with the undercover officer and with a US law enforcement confidential source, whom Gupta believed to be a criminal associate, "including on video calls in which the defendant personally appeared."



## The Guardian

### Human rights in decline globally as leaders fail to uphold laws, report warns

<https://www.theguardian.com/global-development/2024/jan/11/human-rights-decline-globally-leaders-fail-uphold-laws-warns-human-rights-watch-annual-report>

Human rights across the world are in a parlous state as leaders shun their obligations to uphold international law, according to the annual report of Human Rights Watch (HRW). In its 2024 world report, HRW warns grimly of escalating human rights crises around the globe, with wartime atrocities increasing, suppression of human rights defenders on the rise, and universal human rights principles and laws being attacked and undermined by governments.

The report highlights political leaders' increasing disregard for international human rights laws. The report says "selective government outrage and transactional diplomacy" and double standards in recognising international human rights laws has put countless lives at risk.

Tirana Hassan, executive director of HRW, said: "There is a persistent assault on human rights spreading around the world as governments turn away from their legal obligations on human rights for short-term political gains and seek to consolidate power.

"There is also a worrying trend of double standards that is not limited to the glaring example of the Israel-Hamas conflict. We see silence on the Chinese government's crimes against humanity, and where there was a full-throated demand for accountability and prosecution of war crimes in Ukraine, there is also silence about alleged US abuses in Afghanistan.

"This very clearly sends a message that human rights laws can be applied selectively to different groups of people and chips away at the institutions created to uphold them," she said.

The report provides a breakdown of countries' human rights records in 2023. In Afghanistan, women's rights continued to be crushed by the Taliban and the world has failed to act and prevent wide-scale and horrifying abuses against civilians in Sudan, especially in Darfur.

US allies, including Saudi Arabia, India and Egypt, continue to violate the human rights of their own people with impunity, and the European Union has continued the pushback of asylum seekers and refugees, and struck deals with Libya and Turkey to return migrants trying to reach Europe.

Hassan said: "In a year when we will see half the world going to the polls, this is a strong call to action to protect our human rights institutions and to hold our political

leaders to their international obligations to uphold and protect human rights that protect us all.

“What we have seen from Vietnam to El Salvador is that the first thing that repressive governments do is use state security or family values to facilitate repression with attacks on LGBTQ+ communities, women’s rights and refugees. After this, we see attacks on the judicial systems and the courts in what becomes a fast downwards trend towards authoritarianism.”

The report also strongly condemns the UK government for what it terms a “dismal year for human rights”, with a continued assault on fundamental rights, such as the right to protest and seek asylum.

## The Hindu

### **All children will be made child rights ambassadors, says Kerala State Commission for Protection of Child Rights**

<https://www.thehindu.com/news/national/kerala/all-children-will-be-made-child-rights-ambassadors-says-kerala-state-commission-for-protection-of-child-rights/article67730888.ece>

Kerala State Commission for Protection of Child Rights (KeSCPCR) Chairman K.V. Manoj Kumar has said that the mission of the panel is to make all children across the State child rights ambassadors.

Inaugurating a seminar organised jointly by the KeSCPCR and the police for Student Police Cadet teachers in Wayanad on January 11, Mr. Manoj Kumar said a secure childhood was the right of each child.

“Children have the right to survive, avail protection and personal development,” he said, adding that all acts related to children were enacted to make a system that ensured their overall development.

Additional Superintendent of Police Vinod Pillai presided over the function.

## Times of India

### Tuticorin firing: HC raps TN for promoting indicted IPS officer

<https://timesofindia.indiatimes.com/city/chennai/madras-high-court-raps-tamil-nadu-government-for-promoting-indicted-ips-officer/articleshow/106713001.cms>

Chennai: Madras high court has rapped Tamil Nadu government for having promoted senior IPS officer Sailesh Kumar Yadav as DGP, though he was among three IPS officers indicted by Justice Aruna Jagadessan Commission that investigated the May 2018 Tuticorin police firing against anti-Sterlite protestors. A division bench of Justice S S Sundar and Justice N Senthilkumar directed a public interest writ petition to implead all the 17 police officers who had been named by the commission.

“We will hear them before passing orders in the plea,” the bench said on Wednesday, and adjourned the hearing to January 19. The court made the observations on the plea moved by human rights activist Henri Tiphagne challenging the decision of the National Human Rights Commission (NHRC) to close its suo motu investigation into the police firing.

When the plea came up for hearing, the petitioner informed the court that the then IG of South Zone Sailesh Kumar Yadav was promoted as additional DGP and recently made DGP. Pointing out the recommendation of the commission to take disciplinary action against 17 police officers and revenue officials for dereliction of duty and negligence in preventing the firing on the protesters, the bench directed the petitioner to implead all such officials who were named by the commission.

This apart, the bench wondered how the NHRC closed the probe that had been initiated suo motu. The duty of the commission would not end just with a recommendation of compensation for the victims, the court observed. Court likely to hear ASI plea today The court of district judge is expected to deliver its order on Friday regarding the Archaeological Survey of India's plea to defer opening the Gyanvapi survey report.

The ASI submitted an application to postpone the report's disclosure for four weeks, citing a high court order. The proceedings were stalled on Thursday due to a condolence meeting. Amit Srivastava, the government counsel, provided reasons for the request to defer the proceeding.

## Times of India

### HC nixes 81-yr-old law on 100% women's quota

<https://timesofindia.indiatimes.com/city/bengaluru/hc-nixes-81-yr-old-law-on-100-womens-quota/articleshow/106711724.cms>

BENGALURU: The Karnataka high court has struck down an 81-year-old law, which had effectively provided 100% reservation to women in Military Nursing Services. "The exclusive reservation conferred on women while recruiting 'nursing officers' under Military Nursing Services Ordinance, 1943, violates the rights guaranteed under Articles 14, 16(2), and 21 of the Constitution of India," the court observed in a recent judgment.

Partly allowing a petition filed in 2011, Justice Anant Ramanath Hegde struck down as unconstitutional the expression "if a woman" found in Section 6 of the said ordinance. The said section had prescribed that "if a woman" is found eligible for appointment as Indian military nursing services officer, she may be appointed to the post.

Women are justifiably considered to be a separate class under the Constitution. However, it doesn't mean that there can be 100% reservation in employment for women to the exclusion of all others when the classification is solely based on the sex and has no rational nexus to the object sought to be achieved.

The law providing for exclusive reservations without any intelligible differentia having nexus to the object sought to be achieved, violates the Constitutional guarantee under Article 14 and Article 16 (2) of the Constitution of India and is not saved by Article 15(3) of the Constitution," the judge observed.

Sanjay M Peerapur and Shivappa Maranabarasi, who were working as Principal and Lecturer, respectively, in KLE Institute of Nursing, Hubballi, along with the Karnataka Nurses Association had challenged the February 13, 2010, notification providing for 100% reservation to women in military nursing services, calling it discrimination.

On the other hand, the defence ministry argued that the exclusive reservation for women is being provided to fill up the contingent, temporary vacancy that may arise when male nursing officers who are recruited under a separate recruitment process and working in hospitals, are deployed to attend to soldiers on the warfront.

However, Justice Ananth Ramanath Hegde pointed out that the Ordinance, 1943, was promulgated by the then British Crown, and was later adapted vide the adaptation laws, Orders 1950 under Article 372(2) of the Constitution of India. "The law adapted under Article 372(2) of the Constitution of India cannot be equated with the law enacted by Parliament under Article 33 of the Constitution of India," the judge further observed.

**Times of India**

## **Minority Community Women's Struggles against Gender Unjust Religious Personal Laws in India and Bangladesh**

[https://m.timesofindia.com/minority-community-womens-struggles-against-gender-unjust-religious-personal-laws-in-india-and-bangladesh/amp\\_articleshow/106736574.cms](https://m.timesofindia.com/minority-community-womens-struggles-against-gender-unjust-religious-personal-laws-in-india-and-bangladesh/amp_articleshow/106736574.cms)

This paper examines the voices of Muslim women in India and Hindu Women in Bangladesh against the unequal clauses of Muslim and Hindu Personal Laws and customary practices, as well as against state and community-level repression located through law and policies. The paper specifically explores Mumbai-based organisations, including Majlis, Bharatiya Muslim Mahila Andolan (BMMA), Bebaak Collective, Aawaaz-e-Niswaan (A-e-N) and CORO for Literacy, in India.

In Bangladesh, the organisations and NGOs being studied are Ain o Salish Kendra (ASK), Bangladesh Mahila Parishad and Bangladesh Legal Aid and Services Trust (BLAST), Manusher Jonno Foundation (MJF), and Hindu Buddhist Christian Unity Council (HBCUC). This study makes a two-fold argument.

First, Muslim and Hindu women respectively in India and Bangladesh are approaching the different unofficial judicial institutions in large numbers against the discrimination and oppression they are facing in their family and community, confronting Muslim and Hindu Personal Law.

Minority women in India and Bangladesh fought for their rights and entitlements at length and strategised their actions, despite the discrimination in the socio-economic private and public sphere through customary practice, perception and discriminatory gendered state policies and legislation.

Second, women organisations, Muslim women's organisations and NGOs in both regions having a long persisting understanding that male-dominated religious boards or NGOs dismiss women's voices and fail to address their issues and grievances regarding Muslim and Hindu Personal Law.

The study confirms that by providing a productive space for litigation and effective solutions to grass-root level Muslim and Hindu women, several women's organisations respectively in India and Bangladesh brought structural changes. By so doing, in both regions these organisations have presented a challenge to well-entrenched religious groups in the community traditionally seen as the sole leadership and decision makers.

The Muslim women organisations in India by qualifying Muslim women as Islamic judges (Qazis) ensured a gender-neutral perspective in a range of informal and unofficial community or religious dispute settlement bodies.

## The Hindu

### **Society needs to be educated that man's chromosomes decide child's gender: Delhi High Court**

<https://www.thehindu.com/news/national/society-needs-to-be-educated-that-mans-chromosomes-decide-childs-gender-delhi-high-court/article67730217.ece>

Parents who give their daughters-in-law a hard time for not being able to fulfil their desire of "preserving their family tree", need to be educated that it is their son and not his wife whose chromosomes will decide the child's gender, the Delhi High Court has observed.

The high court, which was dealing with a case of dowry death of a woman after being allegedly harassed by her husband and in-laws for bringing insufficient dowry and giving birth to two daughters, said in contemporary times, the idea of a woman's worth being tied to material considerations contradicts the principles of equality and dignity.

"The persistent prevalence of regressive mindsets and instances exemplified by cases involving insatiable demands for dowry underscores a broader societal concern. It highlights the challenges faced by married women, whose intrinsic value and dignity should not be contingent upon their parents' ability to meet the insatiable financial demands from their in-laws," Justice Swarana Kanta Sharma said.

The high court said it is disturbing to witness a scenario where parents wish for the well-being of their daughter and her comfort after she leaves her paternal house and tries to settle in the matrimonial home but instead of providing her love and support, the new bride is met with unrelenting greed and harassment from in-laws family.

It said the trauma is multiplied and becomes lifelong when the victim of a dowry-related offence gives up her life due to constant torture and harassment, especially when the two daughters she has given birth to and loved also become a ground to harass and traumatise her as if she is solely responsible for the child's gender.

"Surprisingly, the genetic science in this regard is ignored according to which, the genetic determination of gender of the unborn child when the child is conceived, involves the combination of X and Y chromosomes, with females possessing two X chromosomes (XX) and males having one X and one Y chromosome (XY)."

"According to Encyclopedia Britannica, the outcome of fertilisation depends on whether an unfertilised egg fuses with a sperm carrying an X or Y chromosome, resulting in the birth of a girl or boy, respectively," the high court said.

It said the court had dealt with numerous cases of harassment, nagging and suicide or dowry deaths due to the victim being victimised for giving birth to daughters after being

constantly harassed over not being able to fulfil her husband and in-laws' desire of "preserving the family tree".

Justice Sharma said the court is "constrained to observe that such people need to be educated that it is their son and not their daughter-in-law whose chromosomes through the union of a married couple will decide the gender of their child.

"Even if this judgement becomes the birthplace of such enlightenment, it will go a long way to change the mindsets of perpetrators of such crimes and save lives of innocent married women, by using principles of science through principles of law," she said. The high court made the observations while denying bail to the husband in a dowry death case.

The allegations against the accused were that he along with his family members used to torture his wife for dowry leading to her committing suicide. It has been alleged by the complainant, father of the deceased woman, that the accused and his family pressured his daughter for additional dowry and financial demands, causing significant distress. It has also been alleged by him that she was taunted and mistreated for giving birth to two daughters.

The high court, in its order, said prima facie at this stage, a woman has lost her life for giving birth to daughters, which should be unacceptable to a conscientious society and such offences have to be considered grave and serious when the trial is yet to begin. "In view of the above facts and circumstances, and since the allegations against the present applicant/accused are grave and serious in nature, the charges are yet to be framed and the material witnesses are yet to be examined, this court is not inclined to enlarge him on bail," it said.

The court further opined that in a society that emphasises equality and strives for equal progress of women and women empowerment, incidents like this are etched as disheartening markers on the path of equal societal advancement for women. It said the notion that a woman's value diminishes if her parents cannot fulfil dowry expectations of her husband and in-laws reflects a deep-seated bias and discrimination against women.

Such expectations not only violate the principles of gender equality but also contribute to an environment where women are objectified and reduced to mere transactions, the court said while acknowledging the profound distress experienced by parents, who in the earnest pursuit of their daughter's happiness, bestowed everything they had to allegedly fulfil the dowry demands of her in-laws.



## Hindustan Times

### Increasing women's presence in flexi employment

<https://www.hindustantimes.com/ht-insight/gender-equality/increasing-womens-presence-in-flexi-employment-101704949580743.html>

This article is authored by Suchita Dutta, executive director, Indian Staffing Federation, New Delhi. In today's rapidly evolving world, where women are breaking barriers and shattering glass ceilings, it is disheartening to see a persistent gender gap in the workforce.

While progress has been made, there is still a long way to go in achieving true equality. One area that holds great potential for empowering women is flexi employment - providing them with flexible work options that allow them to balance their personal and professional lives effectively.

Flexi employment offers numerous benefits for women, allowing them to have greater control over their time and schedules. It enables them to juggle multiple responsibilities such as child-rearing, caregiving, or pursuing further education while still maintaining fulfilling careers.

However, despite these advantages, many obstacles stand in the way of women fully realising the potential of flexi employment. By addressing company culture and policies, offering more flexible work options, and actively supporting career advancement opportunities for women, we can bridge the gender gap and create an inclusive environment where all individuals thrive.

For women, flexi employment offers numerous benefits. It provides them with the opportunity to balance their personal and professional responsibilities more effectively. Women often face multiple demands on their time from caregiving duties to household chores. Flexi employment allows them to better manage these commitments while still pursuing a fulfilling career.

Additionally, flexi employment can help women overcome traditional barriers in the workforce. Many women are forced to leave their jobs due to family obligations or lack of affordable childcare options. With flexible work opportunities, they can continue contributing professionally without sacrificing their personal lives. Moreover, flexi employment promotes greater inclusion for women in the workplace.

It enables female professionals who may have otherwise been excluded due to limited flexibility or rigid structures to participate actively and thrive in various industries and positions. Flexible working arrangements foster a sense of empowerment among women by providing them with autonomy over their schedules and allowing them to tailor their workload around other life commitments.

Overall, understanding the benefits of flexi employment for women is crucial in bridging the gender gap in the workforce. By promoting flexi/temp opportunities and implementing strategies that support its adoption across organisations we can create an environment where both men and women have equal opportunities for professional growth and success.

Strategies for increasing women's presence in flexi employment can play a crucial role in bridging the gender gap and creating more inclusive workplaces. Here are some effective approaches that companies can adopt to promote women's participation:

**Changing company culture and policies:** Creating an environment that values diversity and inclusion is essential. Companies should implement policies that support work-life balance, such as flexible working hours or remote work options. By fostering a supportive culture, organisations can attract and retain talented women.

**Providing flexible work options:** Offering different types of flexi employment arrangements, like part-time roles or job sharing opportunities, can enable women to balance their personal responsibilities with professional aspirations. This flexibility not only benefits employees but also enhances productivity and employee satisfaction. By offering women the opportunity to choose when and where they work, companies can empower them to balance their professional and personal responsibilities more effectively.

**Encouraging and supporting career advancement:** It is important to provide equal opportunities for growth and development for all employees, regardless of gender. Companies should establish mentorship programmes, leadership training initiatives, and networking events specifically tailored to empower women in the workplace. Mentors can share their experiences, offer valuable advice, and help navigate the corporate landscape.

By offering guidance and creating pathways for growth, organisations can empower women to excel in their chosen fields. Additionally, organisations should invest in training and development initiatives specifically designed to enhance women's skills and knowledge.

By providing access to resources like leadership workshops or networking events focused on building connections with other professionals in their field, companies can empower women to take control of their career paths. It not only improves work-life integration but also enables more opportunities for skill-building through continued education or pursuing additional certifications.

By implementing these strategies effectively, companies can create an environment where female employees feel valued, supported, and empowered to thrive in their chosen careers while maintaining a healthy work-life balance. Bridging the gender gap in flexi employment is not only beneficial for individual women but also contributes to overall organisational success by harnessing diverse perspectives and talents.

Increasing women's presence in flexi employment is not just a matter of equality, it is also essential for fostering diversity and driving innovation.

When companies fail to tap into the talent pool of skilled women seeking flexible work options, they miss out on valuable perspectives and skills that could contribute to their success. Research has shown that companies with diverse teams are more likely to be innovative and make better decisions.

By incorporating different viewpoints and experiences, organisations can develop products and services that cater to a wider range of customers. Moreover, a diverse workforce fosters creativity, collaboration, and problem-solving skills – all crucial elements for business growth.

Bridging the gender gap in flexi employment can have significant economic implications. With more women participating in the workforce through flexible arrangements, there will be an increase in productivity levels across various industries. Additionally, empowering women financially through flexible work options can help reduce gender inequality overall. By embracing diversity at all levels of an organisation's hierarchy, we empower our society as a whole.

## Hindustan Times

### Justice should now become a fundamental right

<https://www.hindustantimes.com/ht-insight/gender-equality/justice-should-now-become-a-fundamental-right-101704980114704.html>

This article is authored by Bhuwan Ribhu, lawyer and child rights activist, New Delhi. “Tareekh pe tareekh” will now forever be etched in the memory of the current generation as the hope and vision expressed by Union home minister Amit Shah on the floor of Parliament while passing the three criminal laws.

This hope is that these laws, when implemented and duly enforced, will ensure the pursuit and delivery of justice. However, justice is a state of equilibrium and when it is done, and seen to be done, it is much bigger than the process of criminal trial alone. Dispensation of justice and the implementation of laws depends on a large number of factors.

Justice delivery in child sexual abuse cases is a relevant case in point. As per data submitted before the Parliament, as of January 31, 2023, the number of pending Protection of Children from Sexual Offences Act (POCSO) cases in our courts stands at a staggering 2,43,237, while only 28,850 cases were disposed of in 2022 (as per National Crime Records Bureau, 2022).

At this rate, it will take more than nine years to clear this backlog even if no new cases are added. Moreover, a mere 8,909 of the 2,68,038 POCSO cases (a mere three per cent) under trial resulted in conviction, in 2022. Even this three per cent is not the end of the legal process, and with no data available for pending appeals in higher courts, the long walk to justice continues.

This current status is despite there being a robust policy framework and a law which prescribes time-bound completion of trials, infrastructure in the form of fast track special courts, and ample budgetary allocations.

Each of these stark numbers represent a child and a family awaiting justice. And these numbers are also a small drop in the ocean of unreported cases with research suggesting that up to one in four children in India getting sexually harassed or abused. This means that a large number of people are losing faith in the justice delivery mechanism, thus not reporting crimes committed against them, and are miles away from the laws, and the idea and delivery of justice.

As one of the first people who raised the issue of missing children in India in Nithari in August 2006, and who later assisted the Verma Committee on crimes against women and children, and subsequently also appeared before the Supreme Court (SC) for compulsory registration of FIRs in missing children cases, I believe that myopic

interpretations of the law by the police and the courts have resulted in justice eluding many women and children in our country.

The police have to act when a crime is reported. A judge should not only be bound to see what is in front of him but has to see where justice and equity lie. In the missing children's case, in 2013, the SC agreed that in certain situations it should be presumed that a crime has taken place and agreed with my interpretation that every missing child's case should be treated as one of kidnapping or trafficking until proven otherwise.

Before this, like in Nithari, a missing child's case was not even registered and investigated by the police. This one shift in legal interpretation of the law towards justice led to thousands of traffickers being arrested and over one lakh children being saved annually from being trafficked and going missing.

In the last decade, this Doctrine of Presumption of Crime became a cornerstone in the jurisprudence of ensuring access to rule of law. Yet, for the children of Nithari—no one killed them. The recent case of the acquittal of the accused of the Nithari case after 17 years of painful yet hopeful wait, has left the parents of the victims aghast. This denial of justice leaves a void in society which questions our very notion of who we are.

Legal deterrence lies more in the certainty of punishment, than in the severity of it. The cycle of justice must result in closure for victims (and families), reformation of perpetrators, and deterrence for society. These cases of the children of Nithari and the lakhs that continue to wait in courts, pose more questions than answers.

Time is our greatest asset, as well as our greatest liability. The time taken to register an FIR, for rehabilitation, or compensation, or victim protection, or victim witness relocation or medical or mental health assistance, or time taken to dispose of appeals in higher courts – all form the justice delivery process. The lack of any of these is a perpetual crime of omission against a victim. This status of continued delays and denial of justice is re-victimisation of the victims and a violation of their rights.

It begs the question whether the citizen is a passive recipient of justice that is being provided to her/him as a responsibility of the State, or is justice an inalienable right of every citizen. If it is the latter, then a lack or denial of it, is a collective responsibility and failure of everyone, including the State.

Therefore, this notion ought to change from the citizen being a recipient of justice as a State duty, to the citizen possessing the right to justice, in the form of a constitutional amendment that will explicitly define 'a Fundamental Right to Justice' (which is not an inherent part of other rights).

Justice as a fundamental right, that is not only an interpretation found in judicial orders, not only limited to a value or promise as enshrined in the Preamble of Constitution, or a duty of the State under Article 39, but as the basis of the notion of our society, and from which all the other Fundamental Rights, duties and laws follow, and are enforced.

The smallest outcome of this would be that victim is reintegrated in mainstream society, and the trial process is not limited to crime and punishment alone. Also, in the cases where the culprits are not convicted, these cases do not become dead and if a crime is committed, even if there is an acquittal, the case continues (or is reinvestigated) with the State having to ascertain that a crime does not go unpunished and an acquittal does not mean the closure of a case.

Today, India is well on its way to emerging as a global superpower. The Constitution of 1950, written and adopted immediately after Independence, was driven by the necessities of a newly formed Republic. It laid the platform and direction and brought us into the 21st century.

But, today, when we are well on the path to becoming a 'vishwaguru', the time has come for us to look at the next 75 years as India's time. And to have a 'vision for the year 2100' for India in the 22nd century as a global leader and a nation that ensures equality, freedom, growth and safety for all its citizens, with justice as the cornerstone of this vision.

**NDTV**

## **Foreigners Cant Claim Right To Reside, Settle In India: Delhi High Court**

<https://www.ndtv.com/india-news/foreigners-cant-claim-right-to-reside-settle-in-india-delhi-high-court-4843972>

New Delhi:

The Indian Constitution does not allow a foreign national to claim the right to reside and settle in India, the Delhi High Court has said while observing that the fundamental right of foreigners is limited to the right to life and liberty. The high court dismissed a petition that claimed the detention of a man named Azal Chakma was illegal and without authority.

"We may also note that foreign national cannot claim that he has the right to reside and settle in India in terms of Article 19 (1) (e) of the Constitution of India.....

"Fundamental right of any such foreigner or suspected foreigner is limited to the one declared under Article 21 of Constitution of India, that is, fundamental right of life and liberty and there is nothing which may suggest that his liberty has been curtailed in an illegal or unlawful manner," a bench of Justices Suresh Kumar Kait and Manoj Jain said.

The high court said Chakma himself is to be blamed for his miseries as he has failed to explain as to how he came back to India when he had left the country on a Bangladeshi passport. It rejected the habeas corpus petition filed by the family of Azal Chakma, a suspected Bangladeshi national, who was apprehended at the Indira Gandhi International Airport in Delhi in October 2022.

A habeas corpus petition is filed seeking direction to produce a person who is missing or has been illegally detained. According to the plea, the man has Indian citizenship by birth and had his initial education in Gomati in Tripura and later in Shillong, Meghalaya. It was averred that he lived in India all his life except for a very brief period and that he was holding an Indian passport, Aadhaar card, PAN card and driving licence issued by Indian authorities, and was running business in Kolkata.

However, Foreign Regional Registration Office (FRRO) contended that the man was apprehended at IGI Airport during immigration clearance when he was attempting to depart for Bangladesh capital Dhaka using a fraudulently obtained Indian passport. It was in this backdrop that his movements were restricted.

The authorities claimed it transpired after scrutiny that Chakma had been visiting India till 2016 on the basis of multiple Indian visas on a passport issued to him by Bangladesh. They claimed he had left India on a Bangladeshi passport in June 2016 and it was not known how he subsequently sneaked into India.

According to the authorities, he entered India illegally through a porous border and thereafter managed to obtain Indian documents, including passport, in a "fraudulent and dishonest" manner. His passport was revoked by the Indian authorities in June 2023.

The high court was told that Chakma's movements have been restricted under the provisions of the Foreigners Act and that the High Commission of Bangladesh has already issued travel documents for his repatriation. He will be deported as soon as the authorities get a confirmed air ticket for him from the Embassy of Bangladesh, the court was informed.



## The Law Advice

### **Bombay HC Urges Swift Action by Appellate Authorities, Stresses the Protection of Fundamental Rights in Pending Cases**

<https://www.thelawadvice.com/news/bombay-hc-urges-swift-action-by-appellate-authorities-stresses-the-protection-of-fundamental-rights-in-pending-cases>

The Bombay High Court recently emphasized that appellate authorities should not allow cases to linger indefinitely, as such prolonged inaction can potentially impact the fundamental rights of the parties involved.

A division bench comprising Justices GS Kulkarni and Firdosh Pooniwalla further emphasized that the appellate process should not transform into a situation where the operation (legal proceedings) is deemed successful, but the case remains dormant or unresolved, highlighting the need for timely and effective resolution.

The Court stated that the concept of an "operation being successful but the patient dead" should not apply. It underscored that petitioners have a legitimate right to be informed about the status of their challenges, including interim or final reliefs sought in their appeals. The Court emphasized that such transparency is crucial to prevent petitioners from enduring the consequences of a suspension order without clarity on the progress of their cases.

In this context, the Court was addressing petitions filed by certain chemist shop owners (petitioners). These petitioners raised concerns that their appeals, challenging the suspension of their licenses, were not being scheduled for hearings before the appellate authority.

Additionally, the petitioners brought to the Court's attention that no interim orders had been issued regarding their stay applications, adding another layer of concern to the delay and lack of progress in addressing the suspension of their licenses.

The primary petitioner, Apna Chemist, had its license suspended on October 3 of the preceding year. The suspension was designated for a specific period, from January 8, 2024, to January 17, 2024. Subsequently, on October 31, 2023, Apna Chemist filed an appeal contesting this suspension order.

Following the filing of the appeal on October 31, 2023, neither was it scheduled for a hearing nor did the court issue any interim order regarding the stay application. Other chemist owners found themselves in a comparable predicament, prompting the aggrieved petitioners to seek redress from the High Court.

In response to the grievances raised by the chemist shop owners, the High Court issued a directive to the appellate authority operating under the Drugs and Cosmetics Act. The court mandated the authority to adjudicate on the appeals filed by the chemist shop

owners within a stipulated timeframe of eight weeks. Additionally, the court implemented a stay on the enforcement of the suspension orders until the final disposition of the appeals or related stay applications.

The Court expressed the view that the failure of the appellate authority to issue a suitable order would directly impact the rights of the chemist shop owners to conduct their trade. The timely resolution of the appeals was deemed crucial to safeguard and uphold the rights of these business owners.

Furthermore, the Court emphasized that the appellate authority was obligated to offer effective remedies in accordance with its statutory powers. This underscored the expectation that the authority should utilize its legal mandate to provide redress and resolution in a manner that aligns with established legal principles and statutory provisions.

The bench made a noteworthy observation, stating that the appellate authority should not disregard its substantial responsibility given the powers it holds in adjudicating statutory appeals.

The court underscored that once a remedy is prescribed by law, it is imperative that it is not only provided but is also effective in both its literal and practical sense. The bench emphasized that the appellate authority, while handling statutory appeals, must be fully cognizant of the potential repercussions and implications of its decisions.

Taking into account these considerations, the High Court concluded the proceedings by instructing the appellate authority to promptly and efficiently reach decisions on the pending appeals. This directive aimed to ensure a timely resolution of the issues raised by the chemist shop owners, aligning with the principles of justice and fairness.

## News Click

### Staying Bail Order, Especially in UAPA Case Where Getting it is Tough, is Travesty of Justice

<https://www.newsclick.in/staying-bail-order-especially-uapa-case-where-getting-it-tough-travesty-justice>

My wounded heart often heals itself in the comfort of poetry.

No, I am not only talking about heartbreak from a lover; in today's time, the world has given many reasons to be heartbroken— one of them being the unjust incarceration of many. On January 5, 2024, the Supreme Court Bench of Justices M.M. Sundresh and S.V.N Bhatti granted an extension to the stay on the bail granted to Gautam Navlakha by the Bombay High Court.

Navlakha is an accused in the Bhima Koregaon–Elgar Parishad Maoist links and criminal conspiracy case and is charged under the Unlawful Activities (Prevention) Act, 1967 (UAPA). The Bench directed the Supreme Court registry to place the matter before the Chief Justice of India to decide the National Investigation Agency (NIA)'s plea to tag the petition with the cases of certain co-accused.

What led to this Order?

Navlakha, a human rights activist and journalist, was granted bail on December 19, 2023, after being incarcerated for approximately four years. The high court granted him bail after taking into consideration the totality of the entire material and evidence on record against him produced by the NIA. In its Order, the high court noted that at the most it can be said that Navlakha is a member of the Communist Party of India (Maoist) and therefore his case would attract provisions of Section 13 (punishment for unlawful activities) and Section 38 (offence for membership in a terrorist organisation) of the UAPA.

The latter prescribes a punishment of up to ten years and if there is a delay in the trial, the conditions under Section 43D(5) are diluted, as held in Union of India versus K.A. Najeeb, 2021. The conditions of Section 43D(5) of the UAPA only apply to offences under Chapter IV and V, and Section 13 falls under Chapter III of the UAPA.

The Bombay High Court did not find any material on record to indicate that there are reasonable grounds for believing that the accusation against Navlakha under Sections 16 (punishment for terrorist act), 17 (punishment for raising funds for terrorist act), 18 (punishment for conspiracy), 20 (punishment for being a member of a terrorist organisation) and 39 (offence for support given to a terrorist organisation) of the UAPA are prima facie true and hence he was entitled to be released on bail.

Interestingly, after recording these findings, (Navlakha at present is under house arrest owing to ill health), the high court stayed the operation of the bail Order for three

weeks on a request of the National Investigation Agency(NIA) to enable it to challenge the bail Order before the Supreme Court.

This request was acquiesced by the high court considering that Navlakha is in jail for more than three years and eight months. This was not the first instance where the Bombay High Court had stayed the operation of bail after granting it.

On September 21, 2023, while granting bail to co-accused Mahesh Raut, a land and forest rights activist, in the same case as Navlakha, the high court stayed the bail Order and an appeal against the Order is pending in the Supreme Court. The Supreme Court has extended the stay of operation of the bail Order and Mahesh, despite having a bail Order on merit to his credit, continues to languish in jail.

The Bombay High Court has fallen back on Section 482 of the Code of Criminal Procedure, 1973 (CrPC) for staying the operation of the bail Orders granted by it. Section 482 reads as follows: "Saving of inherent power of high court— Nothing in this Code shall be deemed to limit or affect the inherent powers of the high court to make such Orders as may be necessary to give effect to any Order under this Code, or to prevent abuse of the process of any court or otherwise to secure the ends of justice."

The principles governing the inherent jurisdiction of the high courts under Section 482 of the CrPC have been laid down by the Supreme Court in *Madhu Limaye versus the State of Maharashtra*, 1977. The court has observed that the inherent power under Section 482 must be invoked to prevent abuse of process of any court or otherwise to secure ends of justice. It must not be used if a specific provision for redress of grievances is provided or there is no other provision in the Code for the redress of a grievance and in similar other situations.

Further, it has been held that though the inherent jurisdiction is very wide, it has to be exercised sparingly, carefully and with caution and only when such exercise is justified by the tests specifically laid down in the Section itself. It is to be exercised *ex debito justitiae* (from a debt of justice) to do real and substantial justice for the administration of which alone courts exist.

This principle was observed and upheld in *R.P Kapur versus State of Punjab*, 1960, *State of Punjab versus Kasturi Lal & Ors*, 2004 and *Dr Monica Kumar & Anr versus State of Uttar Pradesh & Ors*, 2008.

#### Idiosyncrasy of the Bombay High Court

The practice of staying its own bail Order is peculiar to Maharashtra, according to Justice Madan B. Lokur, former judge of the Supreme Court. In 2021, the Bombay High Court, while observing that the trial court does not have the power to stay its own bail Order, held that such power resides only with the high courts under Section 482 of the CrPC and the court can exercise its power when it finds it necessary to prevent abuse of process of court or to meet the ends of justice.

Contrastingly, the same Bombay High Court in 1993 in C.P. Nangia versus Omprakash Aggarwal & Anr, 1993, observed that trial courts have powers to stay the operation of their own bail Order for good reasons and in the interest of justice.

According to C.P. Nangia, good reasons would include the difficulty of the prosecution to approach higher courts and deal with the accused when bail is granted, as the person may become scarce. Although there is a lack of clarity about the power of the trial courts to stay their own bail, the latest position in Maharashtra is that the high court can exercise the power under Section 482 of the CrPC to stay the operation of the bail Order to give the prosecution an opportunity to approach the higher forum.

Though Section 482 of the CrPC is very wide, it remains to be seen whether it envisages a situation where an accused who has been granted bail on merits will not be allowed to walk out of jail because the prosecution must get an opportunity to appeal against the bail Order.

Recourse to Section 482 of the CrPC for grant of stay of a bail Order is arbitrary and goes against the spirit of Article 21 of the Indian Constitution. The Supreme Court has time and again stated that bail is the rule and jail is the exception and that arrest is a draconian measure resulting in curtailment of liberty.

The purpose of bail is to secure the appearance of the accused person at his trial by a reasonable amount of bail, as laid down in Satender Kumar versus Central Bureau of Investigation, 2022. It is an extremely strenuous task to obtain bail under the UAPA as Section 43D(5) of the Act prescribes a bar on the grant of bail.

While granting bail under the UAPA, the judge has to form an opinion if a prima facie case is made or not against the accused based on the police report or case diary only. It is undeniable that the application of the UAPA has increased over the past few years and individuals are kept in jail for years awaiting bail, trial, or sometimes both. A 2023 National Crime Records Bureau (NCRB) report showed a 23 percent rise in UAPA cases.

From personal experience as a counsel, I can report that it is after a long legal battle that an accused person gets bail under the UAPA and when they finally manage to get bail, it is very unfortunate that it is stayed by the same court which granted them bail. This unjustified curtailment of liberty has a direct bearing on citizens' right to life and liberty as granted by Article 19 and Article 21 of the Indian Constitution.

I argue that recourse to Section 482 of the CrPC to meet the ends of justice or prevent abuse of the process of court cannot be taken to prevent an accused person from being released on bail after she has been granted bail. It has been observed that the power under Section 482 of the CrPC has to be exercised sparingly and with circumspection and in the rarest of rare cases, and anxiety of an investigating agency that the accused may become scarce after being released on bail does not fall in the category of rarest of rare cases.

It is the right of the prosecution to prefer an appeal against the bail Order; at the same time, it is the right of the accused person to be released from jail after she furnishes the surety and fulfils other conditions as necessitated by the Order granting her bail.

Since bail is ultimately a temporary release and a trial has to be conducted eventually, if a bail Order is perverse, the Supreme Court can reverse it. The inherent jurisdiction exists to meet the ends of justice as has been observed by the Supreme Court and it must not be used simply for the convenience of the prosecuting agency.

It has been observed that the inherent power of the high court cannot be invoked in matters that are directly covered by specific provisions in the CrPC. Since provisions for appeal against bail Orders exist in the CrPC as well as the National Investigation Agency Act, 2008, granting of stay by the high courts to enable the prosecution to appeal against it is arbitrary and illegal.

The Supreme Court has observed in *Manoranjan Rout versus State of Odisha*, 2023: "When a court concludes that the accused is entitled to be enlarged on bail pending trial, granting bail only for a limited duration is illegal. Such Orders violate the right to liberty under Article 21 of the Constitution of India." Moreover, it puts an additional burden on the litigant as he is forced to file a fresh bail application for an extension of the bail granted earlier."

The spirit of this Order can be read into the practice of staying bail by the Bombay High Court and it can be safely argued that such a stay is illegal as it unjustly deprives a person of their liberty. Furthermore, it puts an additional burden on the accused to re-argue the Order granting them bail without actually being released on bail.

The Supreme Court had refused to interfere with the bail granted to another co-accused Anand Teltumbde by the Bombay High Court and later it granted bail to two other co-accused Vernon Gonsalves and Arun Ferreira.

The other bail petitions are still pending before the Supreme Court and must be decided expeditiously, and the court must also deprecate the practice of stay being granted on bail Orders because one must remember that bail is the rule and jail is an exception and no one can be deprived of his life or personal liberty except according to a procedure established by law.

## Barand Bench

### **"Right to clean air not for people of Delhi alone": Supreme Court on NGT's suggestion to divert trucks entering NCR**

<https://www.barandbench.com/news/right-clean-air-not-people-delhi-alone-supreme-court-ngts-suggestion-divert-trucks-entering-ncr>

The Supreme Court on Thursday berated the National Green Tribunal (NGT) for suggesting that trucks heading to an Inland Container Depot (ICD) at Delhi's Tughlakabad be diverted to ICDs outside the National Capital Region (NCR) [Container Corporation of India Ltd vs Ajay Khera and ors].

A bench of Justices Abhay S Oka and Pankaj Mithal said that the right to clean air is not the entitlement of people living in Delhi alone and a suggestion to divert trucks to other ICDs was unjustified and unwarranted.

"The NGT has inter alia observed that there is an option to restrict the entry of diesel vehicles in the said ICDs at Tughlakabad by diverting these vehicles to the ICDs at Dadri, Rewari, Ballabgarh, Khatuawas or any other ICD around Delhi so as to control the pollution in Delhi NCR, as if only the people living in Delhi NCR alone are entitled to pollution free atmosphere and not those living in other parts of the country.

Such an observation by the NGT is in complete ignorance of the fact that citizens living in other parts of the country other than Delhi NCR also have a fundamental right to a pollution free environment as guaranteed by Article 21 of the Constitution of India. Such a fundamental right is equally enforceable by all and is not confined to the people of Delhi NCR," the Supreme Court stated.

The observations came in a case concerning pollution caused by heavy-duty diesel trailer trucks in and around Delhi. The case arose after a former executive at the Central Warehousing Corporation approached the NGT raising grievance against the pollution caused due to the trucks coming to ICD at Tughlakabad.

He prayed that the vehicles entering the depot be diverted to those around Delhi-NCR and non-electric trucks/trailers/trains not bound for Delhi be prohibited from using the depot. The NGT had called for the formulation of an action plan to divert such vehicles to Dadri (in Uttar Pradesh) Rewari and Ballabgarh (both in Haryana), or Khatuawas (in Rajasthan), leading to the appeals before the apex court.

The top court had issued notice in the matter in April 2019 and ordered no coercive action against the depot operators and vehicle owners. The bench in its verdict made the Union Road Transport and Highways Ministry a party to the matter for necessary compliance. Further, it implored authorities to continue exploring less polluting heavy-duty vehicles (including CNG/Hybrid/Electric ones), and directed that the

recommendations by consultancy firm KPMG regarding parking of vehicles at container depots in NCR be implemented in six months.

It took note of the report and recommendations of the Environment Pollution (Prevention and Control) Authority (EPCA) formed by it in earlier orders in the case, and passed the following directions:- After examining recommendations, the Union of India shall formulate a policy of phasing out heavy duty diesel vehicles and replacing them with BSVI vehicles. The Union of India shall formulate appropriate policy on this behalf within six months from today;

- The plan for optimal utilisation of ICDs around Delhi shall be formulated by the appellant within six months from today. In the meanwhile, the appellant will coordinate with all the official agencies to enable the setting up of central laboratories near ICDs around Delhi NCR.

The Court kept the case open to monitor the implementation of its directions and listed the matter next on July 31. The Union Road Transport and Highways Ministry was asked to file a compliance report by then.

Advocates Mayuri Raghuvanshi, Sanjay Upadhyay, Vyom Raghuvanshi, Saumitra Jaiswal, Shubham Upadhyay, Akanksha Rathore, Arushi Malik and Anoushka Day appeared for the applicants before the NGT. Solicitor General Tushar Mehta, Additional Solicitor General Aishwarya Bhati and Senior Advocate Pinaki Mishra appeared for the Container Corporation of India and various Central government departments.

This is the second Supreme Court verdict today slamming the NGT. In another case, it had criticised the tribunal for stalling the implementation of the draft Development Plan 2041 for Shimla by passing stringent directions.



### Human Trafficking – The scene in India in the present day

<https://thecsrjournal.in/human-trafficking-india-present-day/>

According to the United Nations, “Human trafficking is the recruitment, transport, transfer, harbouring or receipt of a person by such means as threat or use of force or other forms of coercion, abduction, fraud or deception for the purpose of exploitation.” Victims of trafficking can be of any age, any gender and can belong to any part of the world.

However, women and girls are more vulnerable and continue to be the primary targets as per the United Nations Office on Drugs and Crime’s (UNODC) “2022 Global Report on Trafficking in Persons” which is compiled using official figures from over 141 countries. According to the report, the share of children among detected trafficking victims has tripled while the share of boys has increased five times over the past 15 years.

“Globally, one in every three victims detected is a child,” says the report informing that girls are mainly trafficked for sexual exploitation, while boys are used for forced labour. Another shocking revelation made by the report is that the share of detected male victims has gone up from around 10 per cent in 2003 to 40 per cent in 2020.

#### Forms of Human Trafficking

The various forms of human trafficking include pushing the victim into flesh trade, entertainment and hospitality industries, and using them as domestic workers or in forced marriages as per the UNDOC. Victims are also coerced to having their organs removed for organ trafficking and take part in criminal activities.

Trafficked victims are almost used as slaves and forced to work in factories, on construction sites or in the agricultural sector with very little payment or without pay. They are often made to live in horrific conditions and live in constant fear of the perpetrator.

#### How Traffickers Lure Victims Online

With increasing dependence on digital in every aspect of life in the present time, Human trafficking organisations are also adopting measures to lure victims online. Online platforms and especially social media are used by such organisations to recruit victims for sexual exploitation, forced labour and other kinds of slavery.

A very commonly used tactic is deception, where traffickers lure victims by offering them a better life, education, employment or marriage. Not just false promises for a better life, fake offers of highly-paid jobs often in foreign countries are also used as a trap.

Traffickers also take advantage of a person's weaknesses and sentiments like being unhappy in personal or professional life, a person who is misunderstood by his or her family members, someone who is currently single and looking for a life partner or unhappy with the way they look.

Through online chatting, traffickers try to pose as real friends and show sympathy to the potential victim and strike a conversation by using lines like "I understand your problem" or "you are a very nice person" or "can we be friends". Research has shown that there are victims lured by traffickers online never met them face to face but still got trafficked!

#### Luring Children Online

Luring children online is even easier as compared to adults and children are highly vulnerable. Social media is a preferred weapon especially for sex traffickers. Posing as a true friend or pretending to be someone the child knows, traffickers try to get familiar with the child and gradually engage with them in conversations regarding sexual activities and also share explicit images or videos with kids.

Traffickers may threaten to harm the child or their family members and force the child to meet their demands. Children suffering from low self-esteem, emotional distress, or seeking attention are easy prey.

Traffickers always use multiple fake social media profiles to target potential victims be it adults or children. Not only social media, chat rooms and online gaming communities are used as platforms to look for potential victims. Victims are blackmailed through morphed images of pornography using their face or threatened with dire consequences and forced to meet the trafficker face to face or act as per their instruction.

#### Human Trafficking in India

According to the latest report of the National Crime Records Bureau (NCRB), Odisha ranks first with the highest number of victims of human trafficking in the country in 2022. A total of 1,120 victims have been trafficked in the state in 2022 with 502 of them being women and 353 minors. The NCRB report reveals forced labour as one of the main factors behind human trafficking. In the case of Odisha, victims were forced to migrate to other states as labourers to look for employment.

According to the NCRB 2022 Report, Odisha is followed by Maharashtra with 805 victims. Bihar ranks 3rd with 751 victims, Telangana is 4th with 704 victims, at rank 5 is Delhi with 687 victims, Rajasthan is at number 6 with 461 victims and Andhra Pradesh ranks 7th with 293 trafficked victims.

#### Child Trafficking in India

Uttar Pradesh, Bihar and Andhra Pradesh are the top three states with the maximum number of children trafficked between 2016 and 2022, according to a report titled 'Child Trafficking in India: Insights from Situational Data Analysis and the Need for Tech-driven Intervention Strategies', which was released in July 2023.

The report released jointly by Games24x7 and Kailash Satyarthi Children's Foundation reveals that national capital Delhi has seen an alarming 68 per cent rise from pre to post Covid era and Karnataka shows an 18-fold increase from pre to post-pandemic figures, with reported incidents soaring from 6 to 110. The report further said that while Jaipur city emerged as the hotspot of child trafficking in the country, the other four top slots of the top ten districts were found to be in the national capital.

Throwing further light on the plight of child labourers in the country, the report revealed that while the maximum of children between 13 and 18 years were engaged by most of the industries, cosmetic industry was found to even engage children under the age group of 5 and 8 years.

#### Indian Railways Initiatives to Prevent Human Trafficking

Human Trafficking, especially of Women and Children, for sexual exploitation, prostitution, forced labour, forced marriage, domestic servitude, adoption, begging, organ transplant, drug peddling among others is an organized crime and the most abominable violation of human rights. Indian Railways, being major transport network of the country, is being used by human traffickers for transportation of victims from source areas to destination areas.

In order to strengthen action against Human Trafficking, more than 750 Anti Human Trafficking Units have been setup by RPF over the Indian Railways. These units coordinate with those of the Police and Central Armed Police Forces like BSF & SSB functioning at district level, state level, international Borders and with Intelligence Units, NGOs and other stakeholders and take effective action on traffickers as per law.

RPF has signed a Memorandum of Understanding (MOU) with Association of Voluntary Action (AVA) also known as Bachpan Bachao Andolan (an NGO), which is assisting in training and capacity building of RPF, GRP and other railway staff on all child protection issues and in implementation of sensitization and awareness campaigns. Also, AVA shares intelligence information pertaining to suspected traffickers and their activities with RPF to conduct raids and help in rescue of trafficked children.

Some more steps have taken by the Railways in coordination with GRP/District Police to prevent Human Trafficking through trains and railway premises. These include training Railways staff deployed in mass contact areas to identify the potential victims of trafficking and taking immediate action taken to rescue them,

Cyber patrolling of the web/social media by cyber cells of RPF to look for digital footprints/traces of human trafficking in the internet, organising seminars to sensitize RPF personnel and train them in identification of victims and traffickers and surveillance through CCTV cameras provided in coaches and Railway Stations for enhanced security of passengers.

National Commission for Women's Anti-Human Trafficking Cell

The National Commission for Women established an Anti-Human Trafficking Cell on 2nd April, 2022 to improve effectiveness in tackling cases of human trafficking, raising awareness among women and girls.

The Cell has also been set up with an aim of increasing awareness among law enforcement officials and to facilitate their capacity building. Complaints related to human trafficking received by the Commission will be addressed by this cell. The Cell will also help survivors of trafficking in rebuilding their lives by providing them with need-based training and by hosting capacity building programmes.

#### Government Schemes for Trafficking Victims in India

The Government formulated a scheme namely NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015 to provide legal services to address the concerns of victims of trafficking including women of all age groups and at every stage: i.e. prevention, rescue and rehabilitation.

The Ministry of Women and Child Development is implementing the Ujjawala Scheme for prevention of trafficking and rescue, rehabilitation, reintegration and repatriation of victims of trafficking for commercial sexual exploitation across the country.

## The Print

### Woman arrested for running sex racket in Mira Bhayander

<https://theprint.in/india/woman-arrested-for-running-sex-racket-in-mira-bhayander/1920187/>

Thane, Jan 11 (PTI) A woman was arrested in Mira Bhayander area of Thane district for allegedly operating a sex racket from a lodge, a police official said on Thursday. The lodge was raided on January 8 on a tip off and the 35-year-old woman was arrested, Anti Human Trafficking Cell senior inspector Sameer Ahirrao said.

“The women who were rescued from this racket are in a shelter home. The accused has been charged under Indian Penal Code and the Immoral Traffic (Prevention) Act,” he said. A case was registered at Kashimira police station and further probe was underway, he added. PTI COR BNM BNM

## Times of India

### Theft suspect suffers heart attack at police station, dies

<https://timesofindia.indiatimes.com/city/vadodara/theft-suspect-suffers-heart-attack-at-police-station-dies/articleshow/106714186.cms>

Vadodara: A man suspected to be involved in a vehicle theft, who was brought to the crime branch police station for questioning on Tuesday night, suffered a severe heart attack. Yagnesh Chaudhary died before reaching SSG Hospital.

City police commissioner Anupam Singh Gahlaut said on Wednesday that an inquiry had been initiated into the incident. Crime branch officials said that an offence of vehicle theft was registered at Sayajigunj police station on December 27, 2023. "We had received CCTV footage and on the basis of it, we were calling the suspects for questioning.

Chaudhary was a suspect and hence he was being questioned," a crime branch official said. Within an hour of being at the police station, Chaudhary suddenly complained of severe chest pain and suffered a fit.

The cops immediately rushed him to the nearest Jamunabai General Hospital and then he was referred to SSG Hospital where the doctors declared him dead. "The ACP (C division) has been given the inquiry. We are also waiting for the post-mortem report," Gahlaut told TOI.

Crime branch officials said that Chaudhary had not been taken into custody but it is being treated as a custodial death. The inquiry will focus on the cause of his death and whether he was hit when being questioned.

In December 2019, Sheikh Babu Nisar had disappeared from the custody of Fatehgunj police station where he was brought for questioning. Six cops were booked for the custodial death of Sheikh whose body was never found.

According to NCRB reports, Gujarat has been topping the list of custodial deaths in the country for the last three years. Suicide bid at police station A man attempted suicide at Baguiati police station after being picked up for questioning following a violent spat with his estranged wife. The police quickly acted and washed his stomach.

The man claimed the police tried to defame him. Although the family did not lodge an FIR, the man returned to the police station with pesticide and consumed it. The police are in touch with the family and considering legal action.

## Main Media

### Tension erupts after man dies in excise dept custody in J'khand

<https://english.mainmedia.in/tension-erupts-after-man-dies-in-excise-dept-custody-in-j-khand/>

Ranchi, Jan 11 (IANS) Tension occurred in Ranchi after five persons, including a youth, who was accused of selling liquor illegally, was arrested by the State Excise department personnel and died during their custody on the same day.

The deceased youth has been identified as Nitish Lohra. He was arrested by the Excise department on January 6 and allegedly committed suicide on the same day by hanging himself from a noose in the washroom of their jail. Angry locals took to the streets protesting over Nitish's death on Wednesday and blocked Lalpur Chowk, the main intersection of the city, for nearly an hour causing heavy traffic jam.

The people have alleged that those Excise department officers responsible for the killing of the youth should be arrested and given strictest punishment for the gruesome act. Later on Wednesday, after the city administration assured the people of taking strict, angry locals were pacified and called off the protest.

Of the five people arrested, four were released from the Excise department's custody after being fined, while Nitish was kept in the department's jail. Nitish was immediately rushed to Sadar Hospital, where he was declared brought dead. Earlier on January 7, people had blocked Lalpur Chowk carrying Nitish's body.

### Research: मानव तस्करी 24 फीसदी बढ़ी, तेलंगाना-महाराष्ट्र में सबसे ज्यादा हर दिन औसतन छह मामले हो रहे दर्ज

<https://www.amarujala.com/india-news/human-trafficking-increased-24-percent-highest-in-telangana-maharashtra-2024-01-11>

मानव तस्करी भारत में भी एक बड़ी समस्या है। राष्ट्रीय अपराध रिकॉर्ड ब्यूरो (एनसीआरबी) के अनुसार, देश में हर दिन औसतन छह मामले दर्ज हो रहे हैं। सबसे ज्यादा तस्करी जबरन मजदूरी और यौन शोषण/वेश्यावृत्ति के लिए की जा रही। आंकड़ों के मुताबिक, तीन सालों (2020 से 2022) में इस कुकृत्य में 24 फीसदी का इजाफा हुआ है।

2020 में जहां 1,714 मामले दर्ज हुए थे, तो 2022 में ये बढ़कर 2,250 हो गए। चिंता वाली बात यह है कि 16 फीसदी मामलों में पुलिस आरोपपत्र ही दाखिल नहीं कर पाती। करीब 80 फीसदी मामलों में आरोपी कोर्ट से बरी हो जाते हैं। तेलंगाना और महाराष्ट्र में तस्करी की सबसे ज्यादा शिकायतें दर्ज होती हैं। इसके चलते भारत दुनिया में टीयर-2 श्रेणी में आता है। टीयर-2 श्रेणी उन देशों के लिए है, जहां सरकारें मानव तस्करी को रोकने के लिए न्यूनतम मानकों का पूरी तरह से पालन नहीं कर पाती हैं।

ये कृत्य इस श्रेणी में

संयुक्त राष्ट्र के अनुसार, किसी व्यक्ति को डराकर, बलपूर्वक तरीके से काम लेना, यहां-वहां ले जाना या बंधक बनाकर रखने जैसे कृत्य मानव तस्करी की श्रेणी में आते हैं। मानव तस्करी के प्रति लोगों को जागरूक और पीड़ितों की मदद करने के लिए राष्ट्रीय मानव तस्करी जागरूकता दिवस मनाया जाता है।

एनसीआरबी की रिपोर्ट के अनुसार, भारत में मानव तस्कर 40.5 फीसदी पुरुषों और 59.5 फीसदी महिलाओं को निशाना बनाते हैं। पिछले तीन साल में तस्करी के शिकार हुए 16,585 पीड़ितों में से 10,453 महिलाएं, रहीं। 2021 में तो 62 फीसदी महिलाएं और 38 फीसदी पुरुष मानव तस्कर के शिकार हुए।

इस तरह बढ़े मामले

मानव तस्करी के सबसे ज्यादा मामले तेलंगाना और महाराष्ट्र में दर्ज किए गए। एनसीआरबी की रिपोर्ट के मुताबिक, वर्ष 2020 में जहां तेलंगाना और महाराष्ट्र दोनों में इसके 184-184 मामले दर्ज किए गए, वहीं 2021 में तेलंगाना में इसके 347 और महाराष्ट्र में 320 मामले सामने आए। वर्ष 2022 में तेलंगाना में जहां इसके मामले बढ़े, वहीं महाराष्ट्र में कुछ गिरावट आई। इस वर्ष तेलंगाना में 391 और महाराष्ट्र में 295 मामले मानव तस्करी के दर्ज किए गए।



## "पन्नू हत्याकांड की साजिश में आरोपी भारतीय निखिल गुप्ता के साथ हो रहा है मानवाधिकारों का उल्लंघन" : वकील

<https://ndtv.in/world-news/human-rights-are-being-violated-against-indian-nikhil-gupta-accused-in-the-pannu-murder-conspiracy-lawyer-4840621>

नई दिल्ली:

अमेरिका में एक खालिस्तानी आतंकवादी को मारने की साजिश में शामिल रहने का आरोप झेल रहे निखिल गुप्ता को लेकर उनके वकील ने एक बड़ा खुलासा किया है। निखिल गुप्ता के वकील ने कहा है कि हिरासत में रहते हुए निखिल के मानवाधिकार का उल्लंघन किया जा रहा है। बता दें कि निखिल गुप्ता को चेक गणराज्य में हिरासत में लिया गया था। निखिल के वकील ने कहा है कि अदालती दस्तावेजों में कहा गया निखिल गुप्ता आखिरी बार 2017 में संयुक्त राज्य अमेरिका में थे।

निखिल गुप्ता पर अमेरिका के संघीय अभियोजकों ने पिछले साल नवंबर में खुले एक अभियोग में खालिस्तानी आतंकवादी गुरपतवंत सिंह पन्नू, जिसके पास दोहरी अमेरिकी और कनाडाई नागरिकता है, को अमेरिका की धरती पर मारने की नाकाम साजिश में एक भारतीय सरकारी कर्मचारी के साथ काम करने का आरोप लगाया था। निखिल गुप्ता को 30 जून, 2023 को प्राग, चेक गणराज्य में गिरफ्तार किया गया था और वर्तमान में उसे वहीं रखा जा रहा है। अमेरिकी सरकार उसके अमेरिका प्रत्यर्पण की मांग कर रही है।

निखिल गुप्ता के वकील जेफ चाब्रोवे ने 4 जनवरी को न्यूयॉर्क के दक्षिणी जिले के अमेरिकी जिला न्यायालय में 'प्रोडक्शन ऑफ डिस्कवरी को मजबूर करने का प्रस्ताव' दायर किया था, जिसमें अदालत से अनुरोध किया गया कि वह संघीय अभियोजकों को "तत्काल बचाव करने की क्षमता के लिए प्रासंगिक रक्षा सामग्री" प्रदान करने का निर्देश दें। प्रस्ताव में, उनके वकील ने कहा कि गुप्ता, एक भारतीय नागरिक हैं जो आखिरी बार 2017 में संयुक्त राज्य अमेरिका में थे।

इस प्रस्ताव में कहा गया है कि निखिल गुप्ता के परिवार ने मीडिया को बताया है कि उनके पास उन तक सीमित पहुंच है, उन्हें कांसुलर पहुंच की अनुमति नहीं है और उन्हें प्राग में हिरासत में बुनियादी मानवाधिकारों के उल्लंघन का सामना करना पड़ता है, जिसमें विस्तारित एकान्त कारावास भी शामिल है।

उनकी ओर से चेक गणराज्य के सर्वोच्च न्यायालय में एक बंदी याचिका दायर की गई है। अमेरिकी जिला न्यायाधीश विक्टर मारेरो ने 8 जनवरी को गुप्ता के वकील द्वारा दायर प्रस्ताव का जवाब देने के लिए सरकार को तीन दिन का समय दिया था। सरकार ने बुधवार को जिला अदालत में दायर अपने जवाब में कहा कि खोज सामग्री मांगने वाले गुप्ता के प्रस्ताव को अस्वीकार कर दिया जाना चाहिए।

## **Ali, Laul and Verma: Know the 3 Fearless Women Leading the Charge for Justice in the Bilkis Bano Case**

<https://en.themooknayak.com/women-news/ali-lal-and-verma-know-the-3-fearless-women-leading-the-charge-for-justice-in-the-bilkis-bano-case>

The recent decision by the Supreme Court, prompted by the petitions of three courageous women, overturned the Gujarat State Government's move and ordered the re-incarceration of the culprits within two weeks, reinstating hope for justice.

New Delhi: In January 2008, the CBI Special Court in Mumbai sentenced the culprits of the Bilkis Bano case to life imprisonment. However, in a surprising turn of events, on August 15, 2022, under the amnesty policy of the Gujarat government, all the convicts were released from Godhra jail. A recent decision by the Supreme Court, prompted by the petitions of three courageous women, overturned the Gujarat State Government's move and ordered the re-incarceration of the culprits within two weeks, reinstating hope for justice.

One of the fearless women leading the charge against the Gujarat government's decision is former Member of Parliament and senior CPI leader, Subhashini Ali. Ali, 76, is an Indian Marxist politician. She is a Polit Buro Member of the Communist Party of India (Marxist). She is also the former President of the All India Democratic Women's Association (AIDWA) and former Member of Parliament from Kanpur.

Expressing her dismay, Ali highlighted the irony of the release coinciding with the Prime Minister's flag hoisting at the Red Fort on Independence Day. She deemed it a dark day for Bilkis Bano, who had been tirelessly fighting for justice. Inspired to act, Ali approached the Supreme Court, joined by various individuals, including lawyer and MP Kapil Sibal and Aparna Bhatt. Having met Bilkis Bano just two days after the 2002 incident, Ali has been a steadfast ally in her quest for justice. She commended the recent decision as a rare instance of the judiciary standing against the government.

The second woman to challenge the government's decision is Revati Laul, an independent journalist and film maker, specializing in looking at politics, violence, hate-crimes and violence against women. Her book, 'The Anatomy of Hate' is the first ever account of the perpetrators of the Gujarat riots of 2002. It is published by Westland. Laul, who also runs the 'Sarfaroshi Foundation' in Shamli, Uttar Pradesh, received a call from a fellow journalist urging her to file a collective public interest litigation.

Having closely followed the Gujarat riots in 2002 and witnessed the arrests and convictions, Laul immediately joined the cause, recognizing the importance of the initiative. Laul emphasized the need to support Bilkis Bano and expressed admiration for her courage in the face of adversity.

Ruprekha Verma, a renowned social activist, stands as the third woman who approached the court against the government's decision. An octogenarian, Roop Rekha Verma is former acting Vice Chancellor of Lucknow University, a professor of philosophy. She made news in 2022 when she agreed to stand surety for Siddique Kappan as a condition of his bail. Verma has spent a lifetime fighting caste, gender and religious hatred, and she talks about what made her join the battle for Bano.

The elderly lady condemned the release of the culprits by the Gujarat government, stating that what happened to Bilkis Bano was worse than the initial injustice. She praised the Supreme Court for its honest decision, believing that it has bolstered people's confidence in the judicial system and the rule of law. Verma welcomed the verdict, seeing it as a reinforcement of a sense of security for everyone.

Subhashini Ali, Revati Lal, and Ruprekha Verma, these brave women have played pivotal roles in challenging the status quo, standing up for Bilkis Bano, and contributing to the ongoing fight for justice.

#### A Flashback: February 2002 to the Present

In February 2002, Gujarat was marred by riots. It all started with the tragic burning of the Sabarmati train carrying 'karsevaks,' resulting in the loss of fifty-nine lives. Fearing violence, a pregnant Bilkis Bano fled her village, seeking refuge in the Chhaparvad district with her family members.

On 3rd March 2002, a group of 20-30 armed individuals, including the 11 accused of later assaulting Bilkis, attacked her and her family. The accused raped Bilkis, her mother, and three other women, while her three-year-old daughter was killed by the assailants. Among the 17 members from Radhikpur village, eight lost their lives, six went missing, and only three survived this horrifying incident.

Despite initial rejections by local authorities, Bilkis, upon regaining consciousness, bravely filed a complaint and sought a medical examination. The case eventually reached the National Human Rights Commission (NHRC) and the Supreme Court, prompting a CBI inquiry in 2003. The accused were apprehended in 2004, leading to a trial in Ahmedabad. Worried about the safety of the witnesses and the possibility of evidence being tampered with, Bilkis asked for the case to be moved to Bombay. The highest court agreed to her request.

In January 2008, the Special CBI Court sentenced the 11 accused to life imprisonment for charges including conspiring to rape a pregnant woman, murder, and unlawful assembly.

#### The Convicts

The convicted individuals, among them Radheshyam Shah, Jaswant Chaturbhai Nai, Keshubhai Vadaniya, Bakabhai Vadaniya, Rajibhai Soni, Rameshbhai Chauhan, Shaileshbhai Bhatt, Bipin Chandra Joshi, Govindbhai Nai, Mitesh Bhatt, and Pradip Modhiya, faced the consequences of their heinous actions. The court acquitted seven additional accused due to insufficient evidence, and one of the accused had passed away during the trial. The court determined that Jaswantbhai Nai, Govindbhai Nai, and the late Naresh Kumar Mordhiya were responsible for the rape of Bilkis. Additionally, it found that Shailesh Bhatt had caused the death of Bilkis's daughter, Saleha, by violently smashing her to the ground.

## **NHRC Issues Notice To Southern Railway After AP Villagers File Petition Over Disrupted Access Due to Underbridge Construction**

<https://thecommunemag.com/nhrc-issues-notice-to-southern-railway-after-ap-villagers-file-petition-over-disrupted-access-due-to-underbridge-construction/>

Residents of Ontimitta village in Andhra Pradesh have submitted a petition to the National Human Rights Commission (NHRC) seeking redress for the disruption caused by the construction of an underbridge by the Southern Railway Department. The petition, addressed to the Honourable Chairman of the NHRC, outlined the grievances faced by the villagers due to the incomplete underbridge construction.

In the petition, residents stated that the railway gate (LC: 60 at KM 114/13-15) near their village, serving as a vital transportation link, was closed a few months ago. The Southern Railway Department initiated the construction of an underbridge through a private contractor to facilitate the movement of people, pedestrians, and vehicles. However, despite the ongoing construction, the existing railway gate was closed, and the pathway was demolished, severely impacting the villagers' access to essential services. The incomplete underbridge, particularly during the rainy season, led to waterlogging, causing significant inconvenience and preventing villagers from reaching nearby towns, especially during medical emergencies.

During a recent cyclone, the under-bridge experienced heavy waterlogging, further exacerbating the challenges faced by the villagers. Pregnant women from the village were reportedly unable to access hospitals due to the inundated underbridge.

The villagers stated that the Southern Railway Department had not handed over the completed underbridge from the private contractor, exacerbating the issues faced by the community. They said that the underbridges constructed in nearby villages were equipped with permanent electric motors and electric lamps, while theirs appears to be neglected.

Repeated complaints to the Divisional Engineer, Southern Railway, Chennai, and the Public Grievances section were said to be ignored, prompting the villagers to file the petition with the NHRC. In response to one of their complaints, the Public Relations Officer for the Chief Project Manager/Gati Shakti, Chennai Division, claimed that water was being pumped out using a diesel engine when needed.

However, the villagers contended that although there was an electric motor to pump out water, the railway department had not appointed any workers for this task. Individuals from the private contractor reportedly managed the activity at their convenience.

Residents of the area alleged that the existing railway gate was destroyed before taking over the newly constructed Railway Underway from the private contractor. They say that it's been nearly 9 months and add that even though the Contractor is ready to handover it and continuously requesting the railway department there has been no response from Railway.

The petition sought the NHRC's intervention to issue notices to the Additional General Manager and Director (Public Grievances) of the Southern Railway Department.

Following this, the NHRC issued a notice to GM, Southern Rail, Chennai, directing him to take necessary action in the matter. .

## Odisha land records regularisation initiative | From legacy displacement to land ownership

<https://www.thehindu.com/news/national/odisha-land-records-regularisation-initiative-from-legacy-displacement-to-land-ownership/article67728412.ece>

Last year, the Odisha government appointed a task force to solve the State's complex problems with pattas, some dating back over a century. The Hindu untangles some of the 30 terrain troubles that people faced and what it means to them to have deeds registered in their names now

Janakram Pradhan, 81, remembers events in 1956 when the Odisha government had sent trucks to vacate Duanmunda village in Jharsuguda district. In one of India's first major post-independence multipurpose river valley projects, the government was about to impound the Hirakud reservoir, formed as a result of damming the Mahanadi river. Duanmunda was one of the 19 villages in the district that were majorly hit. But less than a couple of kilometres away, at an elevation of 630-632 feet above the reservoir, were 3,231 acres acquired by the government, but not submerged. It was here that the villagers moved, continuing to call the area Duanmunda.

Janakram and his family of 11 have lived here for 67 years, among others from the village, gradually building concrete houses. It was only in December 2023 that he received the patta (land deed) for 74 decimals of land (about 435 square feet). He is delighted, but says, "The government that forced my family to surrender my land still owes us ₹300 from the ₹5,300 we got as compensation for the 9.5 acres we once owned." In a large-scale land records regularisation initiative, a part of the 'Vision 5T' that aims to transform Odisha, the government is attempting to resolve decades-old legacy issues. Some of these 30-odd problems related to land classification go back as far as India's first war of independence in 1857, explain officials from the Revenue Department, under whose purview land records fall. "In Jharsuguda, this has benefited 1,749 families," says District Collector Aboli Sunil Naravane.

The initiative — that will see rules and laws implemented — will impact almost all those in the State who own agricultural land because Odisha's land records have complexities that range from lands that were sublet by rulers to subjects in pre-independence times to those seized by the British after 1857. Parts of the State were once under the Madras Presidency and some under the Bengal Presidency, making the inheritance of different systems a problem.

Last year, a Revenue Task Force was set up to help resolve land-related problems. "Experienced officials with expertise in land administration examined various aspects of

land legacy issues,” says Additional Chief Secretary (Revenue and Disaster Management) Satyabrata Sahu, who heads the task force. One of the key recommendations was the emphasis on a satellite-based land survey to reduce the time required to a little over two months.

### Problems on ground

The Hirakud dam project submerged 73,923 hectares (1,82,590 acres) — 49,920 hectares (1,23,303 acres) of agricultural land, and 24,003 hectares (59,287 acres) of government land, including forests. This resulted in the complete submersion of 111 villages, with 108 located in Odisha. Additionally, 174 villages experienced partial submersion, with 141 in Odisha and 33 in Chhattisgarh. According to government sources, approximately 18,000 families were displaced in the process. In the reservoir area, 15,000 families were evicted from 1,47,363 acres. Only 3,790 acres of government-owned land was made available to 1,410 families for resettlement. They were given land deeds.

The project saw the rehabilitation and resettlement of people for years, with cases reaching the Orissa High Court and the National Human Rights Commission.

Jogindra Pradhan, another octogenarian from Duanmunda, had lost count of the innumerable representations made before successive State governments for legal allotment of land. Both he and Janakram had even been jailed for staging agitations in support of their demand. “Almost seven decades is a long time to live like occupants in an informal settlement. This is like a second independence day for us,” he says.

Jogindra explains the problems the villagers have faced over the years: “We reside on the banks of the Hirakud reservoir, but our agricultural land never got water for irrigation. Due to absence of government records, we were not eligible for the State-funded irrigation facility.”

In Lachhipalli village, Sashibhusan Pradhan, 76, expresses relief, saying, “Now, people can freely sell or buy land as their property rights have been officially provided. Over the decades, villagers endured immense difficulties as they couldn’t sell land in times of extreme need. The absence of pattas led to a lack of interest from buyers.”

Baidhehi Pradhan, 75, is one of the few women who have received a patta. She moved to Duanmunda only after she was married, but has lived here for about 50 years now. “This has always been home for me,” she says.

### Displaced by another dam



In Gunduribadi village in the Ganjam district, 350 km south of Duanmunda, four generations of the family of Somanath Swain, 63, have lived a life of squatters in their own village. More than a century ago, the British government had envisioned a reservoir between the Khunteswari and Raipada hills, by damming the Jarau river. The foundation stone of the project was laid in 1896 — up to 22 villages would have gone under water. The British soon decided that far too much land would be impacted, and shifted the reservoir to another site.

The residents of the 22 villages lived without any documentation. During the settlement process in 1983, the land they occupied was recorded as belonging to the Water Resources Department, classifying it as jalasaya or reservoir, despite not being within the current Surada reservoir's boundaries.

For the past century, the residents of Gunduribadi village have relied on possession notes (documents that do not allow resale) to validate their occupation. In December last year, up to 1,662 pattas (962 homestead and 700 agricultural pieces of land) for 1,363.049 acres were issued to residents of 17 villages. In Surada tehsil, villagers had developed their own system for land transactions in the absence of official records. Bichitra Kumar Gouda, a resident of Gunduribadi, explains, "During events like marriage or hospitalisation, land needs to be sold. In reservoir-affected villages, elders acted as witnesses or guarantors, and land was transferred verbally, in good faith. But without land records, its value was not realised."

### Odisha's unique problems

In the past, several farmers enjoyed land as tenants under the ryoti system (institutionalised under the British as a way to collect revenue), and as successors-in-interest (legal heirs), recorded as Sikim. The cut-off date for regularising Sikim-category land was 1977. Many missed it.

In response, the State government has now amended Section 4(1)(i) of the Odisha Land Reforms Act, 1960, providing relief. Farmers now can change their land classification and record their land in their own name in the next two years. To expedite the matter, tehsildars have been asked to start suo motu regularisation of the record of rights categorised as Sikim. The government believes approximately 2,54,033 farmer families across 26 districts, of the total 30, will benefit from the initiative.

There are distinct classifications of land with unique characteristics in the State. Khasmahal land, governed by the Bengal Land Revenue Settlement Regulation (Regulation VIII of 1822 and Regulation XI of 1828), involves leases granted for a specific term. It required permission of the previous landlord for transfer of land. This clause has now been removed.

The processes for regularisation for many other types of land, to record it in the name of the occupant if they claim it, have been simplified. The cost of settlement has been brought down from 10% and 20% of the value of the land to 1% and 2%, respectively. Those hoping to convert agriculture land to homestead land will benefit. Earlier, the rate of conversion was dependent on the land's distance from major roads; now it has been standardised to 1%, from an earlier cost that could go up to ₹3 lakh per acre.

Nazul land stands for escheated properties, seized after the first war of independence in 1857, often managed directly by the government, and occasionally used for public purposes or leased for 30 years in areas such as Sambalpur, Jharsuguda, Kesinga, Bhawanipatana, Junagarh, and other urban zones.

Poramboke land, denoting uncultivated lands in villages reserved for communal purposes despite being in possession of individuals for generations, is a result of the State's Tamil association. These can be reinstated to individuals.

Abadi (basti) land comes under Section 71 of the Central Provinces Land Revenue Act, 1917. Settlement officers in inhabited villages determine reserved land for residents or ancillary purposes, observed in Sambalpur, Jharsuguda, Baragarh, and Nuapada.

Chaka land, a result of consolidation of agricultural land in eight districts under the Odisha Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972, will also see changes. This land could not be sold in parts but only as a whole. Recognising the increasing demand for land for housing and other development, the government amended the law in 2023.

V.K. Pandian, the chairperson of the 5T initiative, talks about touring the districts, where people pressed him for streamlined land records. "The administration addressed these concerns, with decisions made within the Revenue and Disaster Management Department. While these adjustments did not impose a significant burden on the State's resources, they had a profound and positive impact on the lives of the people," he says. The State is in the process of identifying and resolving projects stuck for over 10 years.

## **Pune: PMC Serves Notice At Midnight And Demolishes House In Morning**

<https://www.puneekarnews.in/pune-pmc-serves-notice-at-midnight-and-demolishes-house-in-morning/>

Yerwada, 11th January 2024: Controversy has erupted in Pune over the Pune Municipal Corporation's (PMC) swift action in demolishing a house in Yerwada, following a midnight notice issued by the Yerwada Police. The house, belonging to Parasdas Ranka in Ganesh Nagar, was reportedly demolished without giving the occupants sufficient time to remove their belongings.

A long-standing dispute between two neighbouring families in Ganesh Nagar, dating back to 2016, led to a complaint about unauthorized construction. The complaint escalated to the National Human Rights Commission of India, which ordered the PMC to take action against unauthorized constructions, including Ranka's house.

The PMC's Yerwada regional office issued notices to four houses, triggering the recent events. On Tuesday night, Yerwada police issued a notice to Ranka at 12:30 am, citing concerns about law and order if immediate action was not taken. Subsequently, around 10 am the next day, the PMC's field office team initiated the demolition, destroying the roofs of two rooms and damage to household goods. The quick and decisive action by the PMC has raised questions about the urgency in this particular case compared to other unauthorized constructions in the city. Ranka alleges that no time was given to remove their belongings, contrasting with the PMC's usual avoidance of prompt action in similar situations. Tulshiram Nagtilak, Assistant Commissioner of the Yerwada Ward Office, explained that the disputes between neighbours in Ganesh Nagar had been ongoing since 2016. Following the Human Rights Commission's order, action was taken as per the directive. Ranka had reportedly filed a petition against the notice in the district court, but as there was no stay on it, the PMC proceeded with the demolition. Nagtilak maintained that the action was not disproportionate and intentional against Ranka's house.

## **Subsequent house buyers to get copies of original documents: DDA**

<https://www.tribuneindia.com/news/delhi/subsequent-house-buyers-to-get-copies-of-original-documents-dda-580480>

In a relief to subsequent house buyers, the Delhi Development Authority (DDA) has revealed in a case before the National Human Rights Commission (NHRC) that it would provide certified copies of original documents to them. A petition was forwarded to the NHRC by a former Parliamentarian Avinash Rai Khanna. The petitioner Dr Narmadeshwar Prasad had alleged that the DDA had changed its rules and was not issuing certifying copies of original documents to subsequent buyers of DDA residential and commercial flats.

The DDA has been allotting residential and commercial flats for the last four decades through the Self Financing Scheme and those allotted flats in their name by the DDA are called original allottees.

It also issues Allotment-cum-Demand letter and possession letter to the original allottees, of which one set of original documents are kept by the authority for posterity.

The petitioner said, "When the original allottees sell flats to prospective buyers and sale deed, registration of flats with registrar is completed, the subsequent buyer becomes the legal owner of the house."

"However, sometimes these original documents are not passed on to the subsequent buyers or are misplaced due to various reasons. In this scenario, the DDA had provided a provision, wherein the legal flat owner can apply for the certified copies of the original documents," Prasad said.

Prasad said as per a 2018 circular, the DDA had stopped the process of issuing these copies to the subsequent buyers. However, after the intervention of the NHRC, the DDA has reversed its order in a 2022 circular and has started issuing certified copies to subsequent buyers.

## मद्रास उच्च न्यायालय ने दोषी अधिकारियों की पदोन्नति पर सवाल उठाए

<https://jantaserishta.com/business/business-there-was-a-slight-decline-in-the-price-of-24-carat-22-carat-gold-in-india-today-1038489>

चेन्नई: मद्रास उच्च न्यायालय ने उन पुलिस अधिकारियों को पदोन्नत करने के पीछे के औचित्य पर सवाल उठाया है, जिन पर न्यायमूर्ति अरुणा जगदीसन आयोग द्वारा ड्यूटी में लापरवाही बरतने और थूथुकुडी में स्टरलाइट विरोधी प्रदर्शनकारियों पर पुलिस गोलीबारी को रोकने में विफल रहने का आरोप लगाया गया था।

न्यायमूर्ति एसएस सुंदर और न्यायमूर्ति एन सेंथिलकुमार की खंडपीठ ने यह सवाल तब उठाया जब पीपुल्स वॉच के कार्यकारी निदेशक हेनरी टीफेन द्वारा दायर एक याचिका में सवाल उठाया गया कि राष्ट्रीय मानवाधिकार आयोग (एनएचआरसी) ने पुलिस गोलीबारी में अपनी जांच कैसे बंद कर दी।

हेनरी ने कहा कि तत्कालीन आईजी (दक्षिण क्षेत्र) शैलेश कुमार यादव को अरुणा जगदीसन आयोग द्वारा दोषी ठहराए जाने के बाद भी अतिरिक्त डीजीपी और हाल ही में डीजीपी के पद पर पदोन्नत किया गया था। पीठ ने यह भी सवाल किया कि एनएचआरसी ने स्वतः संज्ञान लेते हुए अपने द्वारा शुरू की गई जांच को कैसे बंद कर दिया और कहा कि आयोग का कर्तव्य केवल पीड़ितों के लिए मुआवजे की सिफारिश के साथ समाप्त नहीं होगा।

17 पुलिस अधिकारियों के खिलाफ अनुशासनात्मक कार्रवाई करने की आयोग की सिफारिश का जिक्र करते हुए पीठ ने टीफेन को ऐसे सभी पुलिस और राजस्व विभाग के अधिकारियों को मामले में शामिल करने का निर्देश दिया, जिसके बाद अदालत उन्हें नोटिस भेजेगी।

पीठ ने कहा, “मामले पर आदेश पारित करने से पहले उन्हें भी सुना जाएगा।” और मामले को आगे की सुनवाई के लिए 19 जनवरी तक के लिए स्थगित कर दिया।

## वीबीएसवाई कार्यक्रम जिलाप्रभारी अधिकारी पु देवेन्द्र कुमार निम की अध्यक्षता में आयोजित

<https://jantaserishta.com/mizoram1/vbsy-program-organized-under-the-chairmanship-of-district-incharge-officer-pu-devendra-kumar-nim-1036505>

कोलासिब : कोलासिब जिला प्रभारी अधिकारी पु देवेन्द्र कुमार निम, संयुक्त सचिव, राष्ट्रीय मानवाधिकार आयोग ने आज कोलासिब जिले का दौरा किया, वीबीएसवाई पर प्रशिक्षण जिले के दो गांवों – पंगबलकावन और सैहापुई के में आयोजित किया गया था।

जिला प्रभारी अधिकारी पु देवेन्द्र कुमार निम के साथ कोलासिब जिले के अतिरिक्त उपायुक्त पी मेलोडी नगुरथंतलुआंगी और संबंधित विभागों के अधिकारी भी थे। रेखीय विभागों के प्रतिनिधियों ने अपने-अपने विभाग के अंतर्गत शासकीय योजनाओं के बारे में बताया तथा लाभार्थियों से योजना के संबंध में उनके अनुभव सुने गये। जनता के लिए आयुष्मान भारत कार्ड, मुफ्त टीबी, मधुमेह और उच्च रक्तचाप परीक्षण, पीएम उज्ज्वला के तहत मुफ्त गैस कनेक्शन, किसानों के लिए किसान क्रेडिट कार्ड ऋण आवेदन और पीएम-किसान और विभिन्न योजनाओं के लिए पंजीकरण। ड्रोन का उपयोग करके मिट्टी की उर्वरता को कैसे लागू किया जाए और उसका निरीक्षण कैसे किया जाए, यह प्रदर्शित करने के लिए एक ड्रोन प्रदर्शन भी आयोजित किया गया था।