

Abducted and forced into marriage at gunpoint, says another Bihar teacher

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Patna: Another government teacher in Bihar was allegedly abducted and coerced into marriage on Thursday, extending a rash of such “Pakadua Vivah (forced weddings)” in recent months in which youths with government jobs seem to have become soft targets.

Mukesh Kumar’s ordeal in Jamui comes just over a month after fellow government teacher Gautam Kumar was kidnapped and married in Vaishali district.

A video of Mukesh’s wedding has gone viral, where he is seen complaining that the bride, Purni-

TIMES VIEW: Pakadua biyah or shotgun weddings first came to notice in Bihar’s Begusarai, Samastipur, Patna and Lakhisarai districts in the 1980s. Forcible kidnappings followed by gunpoint marriages of grooms became a cottage industry. The crimes captured headlines, became the topic of films. Dowry demands as well as utter contempt of law are two key reasons behind the acts. The recent incidents are worrying. The gangs in operation should be put behind bars. An abhorrent practice cannot be allowed to resurface and thrive.

ma Kumari, started “pursuing” him since he got the teaching job after clearing the Bihar Public Service Commission exam. “I am not happy. Even if you force me to marry, I won’t stay with her,” he says.

Purnima denied Mukesh’s assertions, claiming that they were in a relationship since 2015. “After get-

ting a job, his behaviour changed. He began ignoring me,” she said.

Gidhor SHO Braj Bhushan Singh denied receiving any complaint. “I called the girl’s father; he said they would settle it after talks with groom’s parents,” Singh said.

Rocketing dowry rates are a common reason that several brides’ families have cited as reasons for resorting to such forced marriages.

Contemptuous allegations against judges: SC seeks lawyer's apology

Press Trust of India

NEW DELHI

The Supreme Court on Friday told a lawyer whom the Delhi High Court had pronounced guilty of making “scandalous, unwarranted and baseless imputations” against several sitting judges of the High Court and district courts in the city to tender an unconditional apology to those he had targeted.

The High Court had, on January 9, held the lawyer guilty of contempt of court and sentenced him to six months in jail, besides imposing a fine of ₹2,000. It had also directed that he be taken into custody and handed over to the Superintendent of Tihar jail.

A Bench headed by Chief Justice D.Y. Chandrachud took up the petition filed by the lawyer. It stated that the High Court had

given him a chance to apologise for his “contemptuous allegations”, but he replied in the “negative” and stated that he stood by them.

After the counsel representing the lawyer said he was ready to apologise, the Bench said, “... if he is so inclined, [he] must file an unconditional apology on the affidavit before the judges against whom he had made the allegations.”

Ensure Immediate Financial Assistance To Rescued Child Labourers: HC To Govt

Tells It To Recover Back Wages From Employers

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New Delhi: Delhi High Court has issued a slew of directions to Delhi government to ensure that immediate financial assistance is given to rescued child labourers and back wages due to them are recovered from their employers.

The court ordered that as soon as a rescued child is placed in a childcare or juvenile home under the government, a savings bank account of the minor shall be opened jointly with the superintendent or in-charge of the child care institution for transfer of financial assistance.

If the child's parents or guardian are traced, the amount of financial assistance shall be transferred to them by the government one week after verification, a bench of Acting Chief Justice Manmohan and Justice Manmeet PS Arora said.

It added that in case a rescued child is repatriated to their native place, the information shall be shared by the child welfare committee with the government's labour de-

HIGH COURT SAYS

It is directed in case back wages are not deposited by the accused employer within the stipulated period of two weeks, recovery certificates shall be issued by the authority concerned

partment so that his bank account information could be ascertained and necessary financial assistance and recovered back wages be transferred.

When the child attains majority, an application shall be submitted to the bank and a permission be granted for operating his savings account as a sole individual, it said.

On recovery of back wages, the bench said the labour department shall issue recovery notices to the employers within two working days of the rescue of the child. The inspector under the Minimum Wages Act or the Payment of Wages Act will grant the accused employer/

owner two weeks' time to deposit back wages and in case of default by owner, the inspector will request the child welfare committee to recover the same as fine, the court noted.

"It is directed in case back wages are not deposited by the accused employer/owner within the stipulated period of two weeks, recovery certificates shall be issued by the authority concerned and the back wages shall be recovered as arrears of land revenue by the concerned SDM," the court stated.

The court passed the directions while dealing with two petitions filed by the fathers of two bonded child labourers seeking statutory financial assistance for their children and several other similarly situated minors.

One of the petitions stated that there are 115 rescued children who are yet to receive their back wages and sought directions for a time-bound recovery. The other plea sought directions for payment of immediate financial rehabilitative assistance to rescued child labourers.

Flight probe: 14 agents booked for trafficking, destroying evidence

Passengers 'tutored' to seek asylum if caught, Gujarat CID probe reveals

**RIJIT BANERJEE
& SOHINI GHOSH**

GANDHINAGAR, JANUARY 12

NEARLY THREE weeks after a Nicaragua-bound plane carrying Indians was grounded in France and later sent to India, the Gujarat CID has booked 14 agents on the charges of "human trafficking" and "causing disappearance of evidence" for trying to send over 60 people from Gujarat to the US illegally. At least 66 people from the state were among the 303 on board the Legend Airlines plane that flew from Fujairah in the UAE and was headed to Nicaragua to eventually take the passengers to the US via the Mexico border "illegally", as per officials.

In an FIR lodged on Wednesday, based on a complaint filed by PJ Kharsan, an inspector at CID Crime's Economic Offence branch, the Gujarat CID accused the agents of a "well-planned conspiracy to obtain financial benefits of crores of rupees and luring the passengers to get employment in America, while putting (the) passengers' lives at risk".

Of the 14 accused, at least seven agents were booked for human trafficking, destruction of evidence, and conspiracy are from the Mehsana, Ahmedabad, Gandhinagar, and Valsad districts of Gujarat. The key accused involved in the network are from Delhi, Dubai, Nicaragua, Mexico, and the US, as per the officials.

One of the accused, Jayeshbhai Patel, a Valsad-based agent, allegedly arranged the

passengers' transit from Managua in Nicaragua, as per the FIR. The FIR details the commission of offences by the accused from July 1, 2023, until January 10 this year. Mukesh Patel, Superintendent of Police at CID Crime Gandhinagar, said none of the accused have been apprehended so far.

Additional Director General of Police (Crime & Railways) Rajkumar Pandian told reporters on Friday that the agents "tutored" the passengers "to seek asylum" if they were caught while crossing the border. "The agencies teach them to say that they are Khalistani (separatists) if they are Punjabis to easily get asylum. People from Gujarat — depending on their age group, religion, and community — tell fabricated stories to get an asylum. The people who get caught by Border Patrol use these (stories). Those who do not get caught illegally cross the borders," Pandian said. He said the passengers agreed to pay between Rs 60-80 lakh to the agents once they arrived in the US.

The flight from Dubai that stopped at Châlons Vatry Airport in France for refueling had 303 passengers aboard. Of them, 260 were Indian passport holders and 66 were from Gujarat. "These people were from Mehsana, Gandhinagar, Anand, and Ahmedabad districts of Gujarat state," according to the FIR. Of the 66, some got in touch with the agents nearly six months ago and some other agents a couple of months ago with a plan to reach the US, it said.

Govt told to clear pending wages, give financial aid to rescued child labourers

JAISON WILSON @ New Delhi

THE Delhi High Court has directed the city government to ensure immediate financial assistance, recovery of back wages, and a streamlined legal process for bonded child labourers rescued in the Capital.

A division bench headed by Acting Chief Justice Manmohan was dealing with a petition moved by the father of a child, along with other children, who have been victims of bonded labour and not received the benefit of financial assistance under the statutory schemes.

Advocate Robin Raju, appearing for the petitioner, sought directions for expeditious recovery of the long-pending back wages of the petitioner's minor child and 115 similar other victims of bonded labour.

There are cases where recovery notices go back seven years and yet, no back wages have been provided to the rescued



children, he argued.

The bench also comprising Justice Manmeet Pritam Singh Arora directed when a rescued child is placed in childcare or juvenile home under the care of the city government, a savings bank account shall be jointly opened immediately in the name of the minor, along with the superintendent or in-charge of the respective Child Care Institution as the temporary guardian.

"If the guardian of the res-

'Labour dept shall see back wages recovered'

The bench said the labour department shall issue notice to the accused employer regarding recovery of back wages within two days of the rescue. The inspector shall grant the accused two weeks to deposit back wages, failing which, the inspector will request Child Welfare Committee to recover the same as fine.

cued child are located (in future), then subject to due verification and the provision of their bank particulars, the amount of financial assistance shall be transferred by the government electronically within one week from the verification of this information," the high court said in its order.

When the rescued child attains the age of majority, he or she shall be granted permission to operate such account as a sole individual, it said.

HC: Watching child porn not an offence under Pocso and IT Act

Divya Chandrababu

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CHENNAI: The Madras high court has said that merely watching child pornography is not an offence under the Protection of Children from Sexual Offences (Pocso) Act and the Information and Technology Act, 2000, as it quashed the case against a 28-year-old who was charged with downloading and watching pornographic content involving children.

Justice Anand Venkatesh said "a child or children must have been used for pornography purposes" to attract charges under the Pocso Act.

"Even assuming that the accused person had watched child pornography video, that strictly will not fall within the scope of Section 14(1) of Pocso Act, 2012,"

the court said in its January 11 order.

In January 2020, petitioner S Harish was booked under the two acts based on a letter received by the additional deputy commissioner of police (crime against women and children). The forensic science department submitted a report to police identifying two files that contained child pornography content. In his petition, the man said he regularly watched pornography, he did not view child pornographic content.

"Since he has not used a child or children for pornographic purposes, at best, it can only be construed as a moral decay on the part of the accused person," the court said.

Section 14 of the Pocso Act prescribes punishment for using a child for pornographic pur-

poses. "Whoever, uses a child or children for pornographic purposes shall be punished with imprisonment for a term which shall not be less than five years and shall also be liable to fine," the section says.

The HC said the petitioner cannot be booked under Section 67-B of the IT Act as the videos were neither published nor transmitted to others. "In order to constitute an offence under Section 67-B of IT Act, 2000, the accused person must have published, transmitted, created material depicting children in sexual explicit act or conduct..." the high court said.

Section 67-B of the IT Act prescribes punishment "for publishing or transmitting of material" depicting children in sexually explicit act, etc., in electronic form".

How delayed aid is pushing kids back into search for jobs

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New Delhi: In March 2021, around 40 children engaged in exploitative employment in a chemical factory in Jahangirpuri had been rescued by an NGO with police help. Three years since their rescue, none of the migrant youngsters, aged 12-16 years, have received government compensation. A 15-year-old girl who worked for two years in an east Delhi family as a household worker for Rs 2,500 a month without leave or even permission to speak to her parents was also rescued in 2021. It took almost a year for NGO Bachpan Bachao Andolan to get the girl's family the mandatory compensation.

Rescued child workers in the city have to put up with a long wait to get compensation or the benefits they are entitled to under various schemes. Child rights activists claim that if NGOs do not intervene, then the victims of child labour rarely receive state compensation, often forcing them back into the desperate search for employment.

Indu Rani, director of NGO Prayas, said that after their rescue, the children are entitled to receive between Rs 1 lakh and Rs 3 lakh under the law, the sum being determined on the degree of exploitation they suffered. They have to be given 25% of the compensation at the time of their rescue for their financial needs.

But due to the slow conviction rate in the courts, the victims are forced to wait for long periods for this compensation. Many of them have still not received the initial amount.

"In most cases, the rescued children are migrants, who are then either sent back to their parents or to childcare centres. Unfortunately, many of them return home and are unable to fight for their compensation rights," added Rai. "NGOs have to intervene to get them their back wages, that too after years." She said that it was the duty of the government to ensure each rescued child got financial compensation within a fixed time.

Sanjay Gupta, director, NGO Chetna, also pointed out the family of the victim, still facing monetary woes, push their sons and daughters back into child labour. "In a bid to curb child labour, the current laws have to be better implemented," he said.

Dhananjay Tingal, executive director, Bachpan Bachao Andolan, said even court mandated payments are stalled. "BBA earlier secured two judgments for rescued children, but the authorities did not follow the rulings in the true spirit both the times," said Tingal. "Of the 2,933 children rescued by BBA in the last five years, 1,119 have not received compensation. The overdue payments play a pivotal role in facilitating the rehabilitation of these children and their education."

Madrasa teachers in U.P. stare at bleak future, vow to continue stir as govt. stops honorarium

Mayank Kumar
LUCKNOW

As the sun sets over Lucknow's Eco Garden, Ashraf Ali, who has spent the entire day protesting here, prepares to retire for the night at Charbagh railway station.

This has been the routine – participating in the demonstration against the Union and State governments throughout the day, then rushing to the railway station to get a place to rest for the night – for the 38-year-old madrasa teacher from Bahraich for the past three weeks.

Mr. Ali, who has been camping here with hundreds of other madrasa teachers from across the State, vows to keep following the daily ritual till their

demands are met.

The background

Around 25 years ago, the Centre started a programme named 'Madrasa Modernisation Scheme', under which teachers were enrolled to tutor madrasa students in 'modern' subjects, such as Mathematics, Science, Social Sciences, and Hindi.

The Union and the State governments agreed to bear expenses for this scheme in a 60:40 ratio. The scheme was later renamed 'Providing Quality Education to Madrasas/Minorities', as part of which each madrasa roped in three teachers, who were paid ₹6,000-12,000 as monthly salaries.

However, after several teachers complained



Battle cry: Madrasa teachers have been protesting at Lucknow's Eco Garden for the past three weeks. SPECIAL ARRANGEMENT

about the salary payments being irregular, the State government in 2016 started paying them monthly honorariums of ₹2,000-3,000.

In 2017, the teachers stopped receiving their salaries altogether, with the

honorariums becoming their only source of income. Nearly 21,000 teachers, 40% of whom are estimated to be Hindus, are enrolled under this scheme through which they teach nearly 10 lakh students at roughly

7,500 madrasas.

On December 18, the teachers started a protest at Eco Garden, demanding their pending salaries. However, they suffered another blow when the State government, earlier this week, announced its decision to stop paying the honorariums.

'Will stay put'

"I will not leave this spot till our pending salaries are released. The decision to discontinue the honorarium has added insult to injury," said Mr. Ali alias Sikander Baba from Bahraich, who has been teaching Hindi at a madrasa for the past 17 years.

"What other job can we take after spending so many years as teachers? The decision to scrap our hon-

orariums should be taken back and our pending salaries must be released," said Anant Pratap Singh, an MA, B.Ed. Hindi teacher enrolled at a madrasa in Siddharth Nagar.

Iftikhar Ahmed Javed, chairman of the U.P. Board of Madrasa Education, fears that the move to stop paying honorariums will adversely impact the education of the madrasa students. He has requested the Union and State governments to resolve the issue at the earliest.

'PM must intervene'

"Not only have these teachers lost employment, but lakhs of madrasa students are also in trouble as the annual examination is due in February-March. I have written to the Prime

Minister and requested his intervention in the matter," he said.

He added that the PM's idea of "Quran in one hand and computer in the other" for the students of the minority community could only be successful when the 'Madrasa Modernisation Scheme' is implemented in letter and spirit across the country.

"I am planning to meet the Chief Minister next week to try and seek a resolution to the issue," said Mr. Javed.

U.P. government said it would hold consultations with the stakeholders concerned, adding that no decision would be taken that could adversely affect the education of the students at madrasas.

"We will engage with

the stakeholders. Our government is committed to the betterment of the madrasa education system. A decision that could negatively impact the students or the teachers will not be taken," said Danish Azad Ansari, U.P.'s Minister of State of Minority Welfare.

U.P.'s madrasa education system has remained in the news for almost two years after the State government announced a 'survey' to identify unrecognised madrasas. In the survey, 8,496 madrasas were found to be unrecognised.

Many opposition parties and groups from the minority community fought back, terming the Bharatiya Janata Party government's exercise a "malicious" move to disparage the madrasa education system.

Mental Health Gains Material Wealth

Earlier this week, Amaha, a mental health startup, announced that it has secured ₹50 crore in an extended Series A funding round led by Fireside Ventures, with other angel investors contributing ₹15.6 crore. The Mumbai-based company plans to use this funding to expand its treatment and care plans for anxiety, depression, bipolar disorder, ADHD, OCD, schizophrenia and addictions.

India's mental health landscape is worrying. According to WHO, 10.6% of the population suffers from mental health issues. The prevalence is higher in men than women, and urban residents are more prone to such ailments than their rural counterparts. The treatment gap — the difference in the proportion



of people who have a disorder and those individuals who receive care — for mental ailments ranges from 28% to 83%, and a government facility, which is mostly under-equipped, is the commonest source of care. While the National Mental Health Policy 2014 and the Mental Healthcare Act 2017 call for universal access to quality services

and protection of the rights of affected people, there is serious shortfall of doctors, counsellors and facilities. Startups such as Amaha, Wysa, Evolve, Kaha Mind, Manah and Trijog are trying to fill this gap, and using innovative tech-led solutions.

While social stigma remains a challenge, awareness is rising. People are seeking professional help. According to the UnivDatos market research report, the Indian mental health market is expected to grow at a substantial CAGR of 15% between 2022 and 2028. Currently, around 280 mental health startups operate in India. The emergence of this support framework is a positive development. However, in the competition to attract subscribers, quality of services should not suffer.

Mind matters

The Suchana Seth case screams for attention to mental health; are we noticing our minds?



SHUTAPA PAUL

In India, there are 0.75 psychiatrists for every 100,000 people whereas the minimum recommended number is above 3 per lakh

What prompts someone to take another's life? And I'm not speaking of those with a criminal bent of mind, the professional mafia, or a deviant psychopath, but rather a deemed-to-be "normal" person who takes such an extreme step. What would such a person be feeling in the moments before they murder another — Anger? Distress? Absolute hopelessness? A complete breakdown of reason and rationality? Such murders become murkier and more inscrutable when the perpetrator is a loved one, more so if she is the mother. The gift of life so easily taken away by the one that gave birth. The mind wanders to the scores of women who exhaust their emotions and bodies with pills, hormonal injections, and countless medical procedures and religious rituals, just for a child, or those hapless couples that wait years to adopt one.

If you've read so far, you know I'm referring to the shocking case of Suchana Seth. She is a mother, a CEO of an AI ethics startup in tech city — Bangalore, and an educated corporate professional. She is also accused of allegedly smothering her 4-year-old son to death. Some murders are nastily memorable; and this is one such that can't be forgotten. While investigations are



197.3 mn people had mental disorders in India as of 2017, which included 45.7 mn with depressive disorders and 44.9 mn with anxiety disorders

currently underway to confirm if Seth actually committed the dastardly act, news reports suggest that she had been depressed and upset over the child custody battle with her estranged husband.

On the face of it, Suchana doesn't seem too far removed. Hailing from Kolkata, having studied in a neighbouring college around the same years as I, a woman entrepreneur building her business in the startup capital of the world. She could be any of us living in the many residential complexes of Bangalore, going for quick trips to beachy Goa, keeping to themselves while holding close to the chest their dreams, heartbreaks, and secrets. For me, what stands out when I think of Suchana is a person who perhaps had become so mentally unhinged and emotionally distraught that killing seemed the

only resort. To accept wrong as right, and mentally justify acting towards a murder, even as the son would have gasped for breath, is unimaginable. Suchana's unwellness stays long in mind even as the general populace is consumed by the scandal of it all.

Ironically, in that very same startup space that Suchana operated in, mental wellness as a sector has surged. Pegged as a USD 3 billion market, Indian startups have blossomed in the space providing everything from telepsychiatry, content, and self-help to building communities and awareness. Corporate majors are tying up with mental platforms to provide employee wellness initiatives. Presently, India has approximately 280 mental health startups, which have raised over USD 53 mn till October last year, as per Tracxn.

Sure, the pandemic shone a light on the mental health disorders with global funding in the space peaking at USD 4.7 billion. But the issue of mental health has needed greater attention long before that. According to the National Mental Health Survey (NMHS) of 2015-16, 15 per cent of all adult Indian individuals suffered from mental disorders and needed active intervention; one in every 20 Indians suffered from depression. According to the latest National Crime Records Bureau (NCRB) data, 1.64 lakh deaths by suicide were registered in India in 2021; an increase of 6.1 cases per one lakh population. The suicide rate in 2021 was 12 cases per one lakh population versus 11.3 cases in 2020. Maharashtra, Tamil Nadu, Madhya Pradesh, West Bengal, and Karnataka, accounted for as much as 50.4 per cent of the total number of suicide cases.

A Lancet study reported that a prodigious 197.3 million people had mental disorders in India as of 2017, which included 45.7 million with depressive disorders and 44.9 million with anxiety disorders. To further skew the balance, we have a woeful gap in helping those in need. There are 0.75 psychiatrists for every 100,000 people whereas

the minimum recommended number is above 3 per lakh. The strongest evidence of a cry for help is the massive response received by the central government's national mental health helpline. Within a year of its launch in October 2022, TeleMANAS received 3.4 lakh calls; averaging at about 2,000 calls per day. Recognising the mental health crisis brewing in India, the Insurance Regulatory and Development Authority of India (IRDAI) has pushed for the inclusion of mental health in health insurance policies.

And yet, in spite of all the activity in the mental wellness startup space in India, the momentum of startup funding, the proliferation of video content, help still failed to reach one of its own. Professional therapy is still expensive in India, and reducing costs would make it accessible to a larger population. Living in self-inflicted silos devoid of regular socialisation can also lead to isolation, making it impossible to offer help. Psychological barriers, social taboos, and denial still form the biggest challenges to helping people. Speak up, reach out, get help — the dogmas to be followed in these worrying times.

The writer is an author and media entrepreneur. Views expressed are personal



Pregnant woman found hurt battles for life in city hospital

AGE CORRESPONDENT
NEW DELHI, JAN. 12

A 19-year-old pregnant woman, who was found in a severely-injured state at east Delhi's Mayur Vihar on Thursday, is battling for life in a city hospital, the police said.

At least a dozen people have been rounded up in connection with the incident, they added.

According to a police officer, the woman has been admitted to the intensive care unit (ICU)

of the Lok Nayak Jai Prakash hospital here with multiple injuries and might undergo surgeries.

She is being monitored by a team of specialists from different departments and her condition is stable, a doctor said requesting anonymity.

The woman lives with her parents and sister in east Delhi. She works at an ayurveda centre and was returning home on Wednesday night when she was allegedly attacked by unidentified people, the police said.

RR unit involved in J&K 'custody deaths' shifted out

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New Delhi: The Army is shifting out the Rashtriya Rifles (RR) battalion involved in the alleged custodial torture and death of three civilians in J&K's Poonch last month, while three parallel inquiries are underway into the entire episode that has rocked the 12-lakh strong force.

The 48 RR unit is being replaced by another RR battalion following the incident, which has led to a major uproar in the region, as well as setbacks in counter-terrorism operations & continuing command and control issues, sources told **TOI** on Friday.

Army chief General Manoj Pande on Thursday had made it clear that he has given "unambiguous" directions to his commanders in J&K that human rights have to be respected at all costs during all operations and there will be "zero tolerance" for any violations.

The three ongoing courts of inquiry (CoIs), in turn, are being conducted after the removal from command of the

Terrorists attack army convoy in Poonch

Terrorists opened fire Friday on army vehicles in a wooded patch of Jammu and Kashmir's Poonch district, causing no loss of life or injuries while sparking retaliation and an intensive hunt for the attackers, reports **Sanjay Khajuria**.

The attack in Lower Krishna Ghati came hours after Northern Commander Lt Gen Upendra Dwivedi visited Rajouri for review meetings, and less than a month after four soldiers died when terrorists ambushed an army convoy at Dera Ki Gali in Poonch. Dera Ki Gali is around 50km from the site of Friday's firing. "Joint search operations by #IndianArmy and #JKP in progress," a spokesperson for the army's White Knight Corps posted on X.

Brigadier heading the 13 sector of the RR, while the conduct of the 48 RR commanding officer (Colonel), second-in-command (Lt-Colonel) and company commander (Major) is under the scanner.

The first CoI is looking into the death of the three civilians, Safeer Ahmed, Mohammad Showkat and Shabir Ahmed, all residents of Topi Peer village in Surankote who were picked up by 48 RR a day after four soldiers were killed in the terrorist ambush on December 21.

The second CoI is examining the conduct of this particular counter-terrorism operation in the backdrop of sol-

diers getting repeatedly trapped in military-style ambushes by well-trained terrorists in densely-forested and hilly Poonch-Rajouri. While seven soldiers were killed in the Kashmir Valley in 2023, the Army has lost as many as 20 in the Rajouri-Poonch area alone during the same period.

The circumstances behind the filming of the brutal torture of the three civilians by some soldiers using "smart phones" – video clips of the merciless assault subsequently leaked — is the mandate of the third CoI. "Corrective action will be taken after the three CoIs submit their reports," a source said.

PANEL EXCLUDES CJI

SC declines to stay new law on picking CEC, ECs

EXPRESS NEWS SERVICE

NEW DELHI, JANUARY 12

THE SUPREME Court Friday declined a request for an interim stay of the new law excluding the Chief Justice of India from the panel to select the Chief Election Commissioner (CEC) and Election Commissioners (ECs).

A two-judge bench presided by Justice Sanjiv Khanna issued notice on a plea by Congress leaders Jaya Thakur and Sanjay Narayanrao Meshram.

"We can't stay a statute like this," Justice Khanna told senior advocate Vikas Singh, appearing for the petitioners.

Singh told the bench, also comprising Justice Dipankar Datta, that the new law was against the concept of separation of powers.

He also referred to the March 2, 2023 Constitution bench ruling, which directed that the CEC and ECs shall be appointed on the advice of a committee comprising the Prime Minister, Leader of Opposition in the Lok Sabha and the Chief Justice of India.

Where no leader of Opposition is available, the committee was to include the leader of the largest Opposition party

in the Lok Sabha, in terms of numerical strength.

Subsequently, the government enacted a new law — The Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023 — excluding the CJI from the selection panel.

This was challenged before the Supreme Court by Thakur and Meshram who contended that the new law does not provide an "independent mechanism" for the appointment of EC members and is thus violative of the principle of free and fair elections.

The petitioners argued that the new law also went against a 2023 Supreme Court five-judge bench ruling which restricted the government's power to appoint CEC and ECs.

The plea said the new law has diluted the Supreme Court judgment by keeping the CJI out of the process of selection. It pointed out that the SC had in the past held "mandamus issued by" it "cannot be overruled by the legislature and separation of power is also the basic structure of the Constitution".

On December 9, 2023, President Droupadi Murmu had given assent to the new law passed by Parliament.



SC DISMISSES PETITION ON WOMEN'S BILL

AGE CORRESPONDENT
NEW DELHI, JAN. 12

The Supreme Court on Friday refused to entertain a plea filed by an advocate seeking urgent and time-bound implementation of the women's reservation law to ensure a 33 per cent quota for them in the upcoming parliamentary polls. A bench of Justices Sanjiv Khanna and Dipankar Datta, however, granted liberty to the advocate Yogamaya MG to file an intervention petition in a pending public interest litigation filed by Congress leader Jaya Thakur. "Look, we don't want multiplicity of litigation in the matter. You file an intervention application in the petition filed by Jaya Thakur," the bench said. The counsel for the petitioner urged the court to allow the petition to be withdrawn. Agreeing to the submission, the bench then allowed it to be withdrawn. The petition filed by advocate Yogamaya contended there is an urgent need for timely implementation of the new law in the upcoming general elections because, without expeditious action, its intended benefits for women in the political arena will be lost.





SC refuses to stay new law excluding CJI from panel on appointment of CEC, ECs

SATYA PRAKASH

TRIBUNE NEWS SERVICE

NEW DELHI, JANUARY 12

The Supreme Court (SC) on Friday refused to stay the newly enacted law on the appointment of the Chief Election Commissioner (CEC) and Election Commissioners (EC) in which the Chief Justice of India (CJI) has been replaced by a Union Cabinet Minister to be nominated by the Prime Minister in the three-member selection panel.

A Bench led by Justice Sanjiv Khanna, however, issued notice to the Centre on a PIL filed by Madhya Pradesh Congress leader Jaya Thakur challenging the law on the ground

CONTENTIOUS ISSUE

Under the new law, the CJI has been replaced by a Union Cabinet Minister to be nominated by the Prime Minister as a member of the selection panel to appoint the Chief Election Commissioner and Election Commissioners

that it gave sweeping power to the Centre by dropping the CJI from the three-member selection panel. The top court asked the Centre to respond to the petition by April when the matter would be taken up for hearing. As senior counsel Vikas Singh requested the Bench to stay the operation of the law, Justice Khanna said, "We can't stay a statute like this."

Days after the Centre notified the newly enacted law on

the appointment of the Chief Election Commissioner and Election Commissioners, two PILs were filed in the Supreme Court challenging the validity of the Chief Election Commissioner and the other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023, notified in the official gazette on December 28, 2013.

The law has been assailed on the ground that it violated the

principles of free and fair election and went against the SC's verdict in Anoop Baranwal versus Union of India. "It is inherent in a democratic set up that the agency which is entrusted the task of holding elections to the legislatures should be fully insulated so that it can function as an independent agency free from external pressures from the party in power or executive of the day. This objective is achieved by setting up an election commission, a permanent body, under Article 324 (1) of the Constitution," Thakur submitted.

Ending the 73-year-old system of the government

appointing the CEC and ECs, the SC had on March 2 last year ordered creation of a three-member panel comprising the PM, Leader of Opposition in the Lok Sabha or leader of largest opposition party and the CJI to select them. In a unanimous verdict, a five-judge Constitution Bench led by Justice KM Joseph (since retired) had, however, said that, "This norm will continue to hold good till a law is made by Parliament." Under the new law, the CJI has been replaced by a Union Cabinet Minister to be nominated by the PM as a member of the selection panel.



SC takes note of termination of 6 women judges by MP govt

Along with notice to HC, the Apex Court also asked axed judicial officers to place on record their contentions

NEW DELHI: The Supreme Court on Friday took cognisance of termination of the services of six women civil judges by the Madhya Pradesh government for their unsatisfactory performance and issued notice to the registrar general of the high court seeking a response.

The court also issued notice to the axed judicial officers, asking them to place on record their contentions.

A bench of Justices BV Nagarathna and Sanjay Karol noted in the order that Chief Justice D Y Chandrachud had taken cognisance of the matter which was registered as writ petition.

Advocate Gaurav Agarwal, who has been appointed as amicus curiae to assist the court in the matter, said three of the six former judges who

approached the top court last year after their services were terminated, have also moved the Madhya Pradesh High Court against their dismissal and their petition is pending there. He said the three former judicial officers had filed a writ petition in the apex court last year but later withdrew it.

Justice Karol said since the matter is pending with the high court, the first issue which needs to be decided is whether the apex court should entertain it.

Senior advocate PS Patwalia, appearing for one of the six officers who has filed an impleadment application said since the top court has taken cognisance of the matter, a notice needs to be issued to the registrar general of the high court.

Agrawal submitted when the writ petition before the apex court was withdrawn, the three aggrieved officers were not aware that the court had already taken cognisance of the matter. He said notice should also be issued to them in order to understand their case and bring the material they have on record. According to the office report of the case uploaded on the apex court website, the application by three former Civil Judges, class-II (Junior Division) from Madhya Pradesh State Judicial Service was addressed to the apex court. They said the termination happened despite the fact that quantitative assessment of their work could not be done on account of Covid outbreak.

AGENCIES



SC takes suo motu cognisance of termination of 6 women judges

SUCHITRA KALYAN MOHANTY

@ New Delhi

THE Supreme Court on Friday took suo motu cognisance of the termination of six women judges by the Madhya Pradesh government over “unsatisfactory” performance during their probation.

A two-judge bench of the apex court, headed by Justice B V Nagarathna and comprising Justice Sanjay Karol, appointed advocate Gaurav Agarwal as amicus curiae (Friend of the court), who will later assist the court in the matter after the hearing commences.

It said that suo motu cognisance of the matter has been taken by Chief Justice DY Chandrachud, and was in the nature of an Article 32 petition.

The six women judges whose services have been terminated are Sarita Chaudhary, Priya Sharma, Rachna Atulkar Joshi, Aditi Kumar Sharma, Sonakshi Joshi and Jyoti Barkhade.

Acting on the high court’s recommendation, the state gov-

ernment in June 2023, had terminated the judges’ services.

The State law department of the MP government passed the order after an administrative committee of it and a full court meeting found their performance during the probation period “unsatisfactory”.

Advocate Agarwal said three of the six former judges who approached the top court last year after their services were terminated, have also

moved the Madhya Pradesh HC against their dismissal and their petition is pending there. The three former judicial officers

had filed a writ petition in the apex court last year but later withdrew it, he added.

An impleadment application filed by one of them through an advocate said she was terminated without following the due process of law.

She alleged her termination was a violation of her fundamental rights under Articles 14 (right to equality before law) and 21 (right to life and personal liberty) of the Constitution.





SCHOOL SLAPPING ROW

SC: It happened because State didn't do what was expected of it

New Delhi: The Supreme Court said on Friday the developments that followed the unsavoury incident of slapping of a Muslim schoolboy by his classmates at the behest of their teacher in Uttar Pradesh were the result of the State not doing what was expected of it after the offence was committed.

A bench of Justices Abhay S Oka and Ujjal Bhuyan said the state should have been concerned about the manner in which the incident had happened.

The bench asked advocate Shadan Farasat, appearing for petitioner Tushar Gandhi, to give suggestions to the state government on the implementation of the recommendations of Tata Institute of Social Sciences (TISS) with regard to counselling of the victim child and his classmates.

It was hearing a plea filed by Tushar Gandhi, the great grandson of Mahatma Gandhi, seeking speedy investigation of the case.

"All this happened because the State did not do what was expected of it after the offence. The state should have been concerned about the manner in which the incident had happened. Therefore, we have raised other issues also regarding implementation of the RTE Act," the bench said and posted the matter for hearing on February 9.

PTI

Suspend senior doctors of top city hospitals for negligence: Health dept

ASHISH SRIVASTAVA @ New Delhi

AFTER the termination of two resident doctors, engaged at Guru Teg Bahadur Hospital (GTB) and Lok Nayak Hospital (LNJP) respectively, over the death of a patient last week after being denied treatment, the health department has recommended the suspension of two more senior doctors engaged at the GTB and LNJP hospitals, accusing them of negligence.

Department officials said that all four doctors, including two seniors and two residents, were found guilty of negligence and the administrative heads of both hospitals have been asked to provide reasons for the lapses.

They added that the accused doctors were on duty on the intervening night of January 2 and 3 when the patient seeking treatment was taken to the hospitals.

The incident involves a man who, trying to escape from a police van in an inebriated state, was severely injured.

According to the police, the deceased, identified as 47-year-old Pramod, accused of sexual harassment, sustained injuries while trying to escape and died a few hours later.

He was immediately taken to the Jag Pravesh Chandra Hospital from where he was referred to the GTB hospital in an ambulance. But he could not be admitted there because of unavailability of CT-Scan facility.

He was then referred to LNJP hospital but could not be admitted due to unavailability of beds in the ICU and ventilator facility. The injured was later rushed to the RML hospital, where too, he was denied admission.

The health department said the "entire episode indicates complete lack of empathy and professionalism among the medical officers involved, as well as lack of supervision on part of concerned medical directors."

Following the incident, health minister Saurabh Bharadwaj had sought an explanation from the three hospitals authorities,

JPC, GTB, and LNJP, run by the city government. The fourth hospital, RML, is administered by the Centre.

Health department officials said the decision on the recommendation for the suspension and further disciplinary action against the two senior doctors will be taken by the minister and the NCCSA (National Capital Civil Service Authority).



The episode indicates complete lack of empathy and professionalism among the medical officers involved, as well as lack of supervision on part of concerned medical directors

Health department



T. Ganesan, who lives in a camp for refugees from Sri Lanka, in Irumboothipatty village in Karur district of Tamil Nadu, with his wife Mariamma. MOORTHY G.

The long wait for Indian citizenship

Sri Lankan refugees have been living in and outside refugee camps in Tamil Nadu for years. The Union government considers them illegal migrants and refuses to grant them citizenship. But thanks to judicial intervention, a few of them can finally be called Indian citizens, reports **T. Ramakrishnan**

Ganesan, 69, who lives in a camp for refugees from Sri Lanka, in Irumboothipatty village in Karur district of Tamil Nadu, describes November 30, 2023, as a day of "rebirth". It was on this day that the Madurai Bench of the Madras High Court recognised him as an Indian. "I just couldn't believe it," he says, his subdued tone masking his joy. "I had been waiting for that moment for more than 30 years. It is as if I have got a second life."

The Government of India considers all refugees in India "illegal migrants" and India does not have a law governing refugees. This means that Sri Lankan refugees, who came to India fearing violence and persecution during the civil war, which lasted from 1983 to 2009, are ineligible for Indian citizenship even if they have lived in India, like Ganesan has, for over 30 years. Camps in Tamil Nadu house 58,457 refugees (as on March 31, 2023). There are also 33,375 refugees living outside these camps.

Though not Indian citizens, they are beneficiaries of several welfare measures. The Tamil Nadu government has been giving them monetary benefits that are higher than what is allowed by the Centre. The refugees are also covered under the public distribution system and their children are given educational assistance. The present Dravida Munnetra Kazhagam (DMK) government, which renamed the refugee camps as rehabilitation camps, has also undertaken a project to renovate them.

The Central government favours voluntary repatriation and follows the principle of non-refoulement – the practice of not forcing refugees or asylum seekers to return to a country in which they are liable to be persecuted. Refugees, like foreign nationals, are governed by the Foreigners Act, 1946; the Registration of Foreigners Act, 1939; the Passport (Entry into India) Act, 1920; and the Citizenship Act, 1955. Many Sri Lankan refugees are said to be eligible to acquire citizenship by naturalisation or registration. But a circular issued by the Union Ministry of Home Affairs to the Tamil Nadu government in 1986 advises the latter not to entertain applications from them for citizenship.

From pillar to post

Ganesan was identified for repatriation under the 1964 and 1974 bilateral treaties between India and Sri Lanka that covered Indian-Origin Tamils (IOT) or hill country Tamils. In these treaties, India promised Sri Lanka that it would grant citizenship to 6 lakh people from Sri Lanka, along with their natural progeny. As many as 4,61,639 IOTs were repatriated to India from Sri Lanka after being given citizenship by the Indian High

I had been waiting for that moment for more than 30 years. It is as if I have got a second life.
GANESAN

Commission in Sri Lanka, according to the Central government in February 2020.

Ganesan belongs to a section of Tamils in Sri Lanka who are descendants of workers who had migrated to the island country from Tamil Nadu in the 19th century and early 20th century. When Sri Lanka became independent, a large number of them were rendered stateless. Ganesan told the Madurai Bench of the Madras High Court that he had submitted an application in 1970, but he was issued a passport only in August 1982 in Sri Lanka, while working in a tea plantation in the southern district of Matara. The passport, issued by the Assistant High Commissioner of Kandy to facilitate his travel to India, announced in bold letters that Ganesan was a "Citizen of India."

However, while the repatriation process was in progress, Sri Lanka witnessed an anti-Tamil pogrom in July 1983, amidst the civil war. As soon as Ganesan received the passport, he and his family were internally displaced. In February 1990, they fled the country and arrived by boat in Rameswaram in the Ramanathapuram district of Tamil Nadu.

As he came in a boat with about 60 others, all of whom, unlike him, were citizens of Sri Lanka, Ganesan's identity got subsumed into the category of refugees, in Rameswaram. Though sympathetic to Ganesan, his wife, and three children, as they were with other refugees, the authorities in Rameswaram were unwilling to regard him as an Indian despite his passport.

On arrival in Rameswaram, all the refugees were given food and milk packets following a preliminary verification. They were asked to go to Madathukulam, which is now a part of Tiruppur district, in the western region of the State. "We

were put up at a noon meal centre and a godown. There were about 50 families with less than 200 people. We were there for about 15-16 months. When (former Indian Prime Minister) Rajiv Gandhi was assassinated in May 1991, we were all shifted to Mandapam (in Ramanathapuram district). Since 1996, I have been living in Irumboothipatty," says Ganesan.

His son, Niranjan Prabhu, who works as a painter in Erode district, says his father sent petitions for citizenship to authorities at all levels, including the Prime Minister. "He would get a stock reply from the office of the District Collector, which was that the official did not have the power to give him citizenship. My father was undeterred and kept on pursuing the matter," he says.

The Madras High Court's ruling in *P. Ulaganathan and others v. Government of India* (2019) particularly motivated Ganesan. In that case, Justice G.R. Swaminathan directed Ulaganathan and 64 other petitioner-refugees from Sri Lanka, all from the Kottapattu camp in Tiruchirappalli, to apply for Indian citizenship, even though he acknowledged that granting citizenship "falls within the exclusive executive domain" of the Centre. The petitioners of the case did not get any relief as the authorities rejected their applications.

I have started harbouring the hope that the future of my two children, who were born after 2004, will be secure.
K. NALINI

Eventually, it was his passport that helped Ganesan obtain citizenship. The Central government accepted before the Madurai Bench of the Madras High Court that his passport was genuine – an admission that brought tremendous relief to Ganesan and his family.

Ganesan has not yet decided to seek a fresh passport. Perhaps, he is sentimentally attached to the passport issued in Sri Lanka, the one that established his 'Indianness'. As of now, he and his family are awaiting the next move of the authorities. The High Court has asked the Central and State governments to extend to them a rehabilitation package meant for repatriates from Sri Lanka which includes free housing sites, subject to the availability of government land.

'I was born in India'

"I have always considered myself Indian as I was born in India," says K. Nalini, 37, a mother of two. Nalini's father hailed from Mannar in the Northern Province of Sri Lanka and her mother from Kurunegala in the Northwestern Province.

When she saw scores of Tamil families being targeted in July 1983 across the island nation, Nalini's mother, Santhi, who was not married then, fled to Tamil Nadu. Between 1983 and 1987, nearly 1.34 lakh people arrived in Tamil Nadu, fearing for their lives. When Santhi was accommodated in the Mandapam camp, she met Kannan and married him. Now, Santhi and Kannan live in a camp in Chinnasalem, Kallakurichi district.

Nalini was born in Mandapam in April 1986. Since her marriage in 2013 to Kirubakaran, who belongs to the community of hill country Tamils in Sri Lanka and arrived in Tamil Nadu in 1984, Nalini has been living in the Kottapattu camp. Kirubakaran drives an autorickshaw for a living.

When Nalini sought an Indian passport, the of-

ficials rejected her application on the grounds that her parents were Sri Lankan nationals, and that she was a resident of the Kottapattu camp. What they did not consider was that Indian citizenship is automatically given to all those who were born in India on or after January 26, 1950, the day the Constitution came into force, but before July 1, 1987, the date the Citizenship (Amendment) Act, 1986, came into force. As Nalini was born in 1986, i.e., before July 1, 1987, she is an Indian citizen as per Section 30(a) of the Act.

Finally, on September 29, 2022, Nalini won her case in the Madras High Court. In support of its stand, the Court cited the Delhi High Court's decision in *Namgyal Dolkar v. Government of India* (2010) where the petitioner, who was born to Tibetan refugees in Kangra, Himachal Pradesh, was born eight days before Nalini.

Other factors too helped Nalini's case. P. Chidambaram, as the Union Minister of State for Home Affairs, said during a debate in November 1986 in the Lok Sabha on the Citizenship (Amendment) Bill that the proposed changes would not take retrospective effect. The proposed change was that those born after July 1, 1987, and before December 4, 2003, could get citizenship only if they were born in India and if either of their parents was an Indian citizen at the time of birth. The Delhi High Court quoted him as having said: "If we had made this Bill retrospective, then this would be a negation of human rights." Besides, the Madras High Court had recorded that even the Regional Passport Officer (RPO) in Tiruchi, who Nalini had approached originally, conceded that she had not renounced Indian citizenship. The Court's ruling has made Nalini happy for one more reason. "I have started harbouring the hope that the future of my two children, who were born after 2004, will be secure," she says.

The importance of a cut-off date

It is the court again which came to Nayattus' rescue. Nayattus, 21, falls under the category of Indians born on or after July 1, 1987, but before December 3, 2004, when another amendment to the Citizenship Act took effect. This stated that for a person to be considered Indian, in addition to being born in India on or after December 3, 2004, at least one of their parents should be an Indian citizen and neither parent should be an illegal migrant.

After completing a bachelor's degree in commerce from a government college in Sivaganga in Tamil Nadu in 2022, Nayattus wanted to go to Germany to work and applied for a passport for this purpose.

It was then that questions came up about his identity. Nayattus had apparently mentioned in his application that he was a "Sri Lankan refugee." No one questioned whether he was a refugee, but whether he was Sri Lankan. If so, he was supposed to go for his passport to the Deputy High Commission (DHC) of Sri Lanka in Chennai.

But Nayattus chose to approach the RPO in Madurai for an Indian passport as he was legally advised to do so. His mother, Patchaammal (now called Mary Christina), is an Indian citizen and his father, Sahayanathan, is a Sri Lankan refugee. He was born in January 2002, almost three years before the 2004 cut-off date. It was his date of birth and the nationality of his mother that helped the High Court rule in his favour in April 2023. But his brother, Yovan Snaphapa, who is pursuing an engineering course in Coimbatore, does not qualify to be an Indian citizen as he was born after December 3, 2004.

The DHC has decided to issue all-country passports to Sri Lankan refugees unlike earlier, when one-time passports would be given to them to enter Sri Lanka, from where they were expected to apply for new passports to go to any third country. The Mission, which has started receiving applications, is planning to hold a formal event soon to present such passports.

Both Nalini and Nayattus proudly display their Indian passports today. But there are many like them in refugee camps and outside, waiting for the day when they will be accorded citizenship, too. According to the provisional figures of a survey carried out by an official panel of the Tamil Nadu government among camp refugees in the State, there are 148 people like Nalini, born in India before July 1, 1987, to parents of Sri Lankan nationality or mixed parentage; 566 persons like Nayattus, born before December 3, 2004, to refugee-local couples in Tamil Nadu; and 35 persons like Snaphapa, born after December 3, 2004, to refugee-local couples in Tamil Nadu.

Revisiting the matter

As all three of them are Indians now, "Ganesan, Nalini, and Nayattus should not be living in refugee camps any longer. But after having lived in them for so long, they require a rehabilitation scheme for smooth integration with the mainstream," says Romeo Roy Alfred, the advocate for all the three successful "refugee-Indians." The scheme comprises loans for establishing small business units, or for participating in self-employment schemes in dairy farming and the match industry, or for the provision of powered cycle-rickshaws. "More importantly, many were assigned small parcels of government lands, wherever available, for housing. I request the State government to ensure that Ganesan, Nalini, and Nayattus are given the lands," he adds.

Alfred says that there must be a comprehensive survey among the refugees about their ancestry, with a particular reference to IOTs or hill country Tamils. A significant number of persons born to IOT or hill country Tamils in India have not visited Sri Lanka and it is unlikely that they will ever go to island, he says. He suggests that the authorities could relax the stipulation regarding "illegal migrants" and provide citizenship to them. Besides, the Citizenship (Amendment) Act, 2019, grants Indian citizenship to non-Muslims from Bangladesh, Pakistan and Afghanistan who came to India on or before December 31, 2014, but leaves out refugees from Sri Lanka, many of whom came to the country decades ago. "This is why the Union government should revisit the matter."



K. Nalini lives in the Kottapattu camp in Tiruchi district. She holds the passport issued to her by the Regional Passport Officer, Tiruchi. MOORTHY G.



U.P. slapping case: SC says State failed in its role

Krishnadas Rajagopal
NEW DELHI

The Supreme Court on Friday directly blamed the Uttar Pradesh government for the incident of a teacher at a private school in Muzaffarnagar goading her students to slap their seven-year-old Muslim classmate.

“All this happened because the State did not do what it was expected to do. The State should be very concerned about the manner in which this incident happened,” Justice A.S. Oka, heading a Bench, told the counsel for the Uttar Pradesh government.

“But it was a private

school...,” the State counsel protested.

The court had last November asked experts from the Tata Institute of Social Sciences (TISS) to intervene and help with counselling of the child and his classmates.

‘Suggest measures’

On Friday, the Bench asked advocate Shadan Farasat, appearing for activist Tushar Gandhi, who had brought the case to the Supreme Court in a petition, to go through the recommendations made by TISS and make further suggestions, if necessary, in consultation with the parents of the child.

Mr. Farasat said the TISS report was “inadequate”.

In an earlier hearing, the Supreme Court had flagged the incident as “very serious” and in direct violation of Article 21A (the fundamental right of a child to free and compulsory education) of the Constitution, the Right to Education Act, and even the Uttar Pradesh Rules, which tasks local authorities with ensuring that children do not face discrimination in classrooms.

‘Delay in filing FIR’

In September last year, the court had criticised the State government for a “watered-down” and de-

layed FIR against the schoolteacher, Tripti Tyagi, who was shown on video showering communal remarks on the child.

The court had at the time raised questions about religious discrimination and quality of education in Uttar Pradesh.

“The manner in which the incident has happened should shock the conscience of the State,” Justice Oka had observed.

The judge had pointed out that the FIR registered after a “long delay” by the State police has ignored statements made by the child’s father about objectionable remarks made by the schoolteacher.

Watching child porn in private not crime under Pocso or IT Act: HC

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Chennai: Mere downloading and watching child pornography is not an offence under the Pocso Act and Information Technology Act, Madras HC said on Thursday.

To make out an offence under Pocso Act, a child or children must have been used for pornography purposes. And to constitute an offence under Information Technology Act, the accused must have published, transmitted and created the material, Justice N Anand Venkatesh said.

Quashing the prosecu-

tion initiated against a 28-year-old man who was booked under Pocso and IT Acts for downloading and watching child porn, the judge cited a Kerala HC judgment, which took a similar stand. "...in view of the fact that this act is

SOLO SHOW

done by the person in privacy without affecting or influencing anyone else. The moment the accused person tries to circulate or distribute or publicly exhibits obscene photos or videos, then the ingredients of the offence

starts kicking in," Justice Venkatesh said. Like smoking and drinking, watching porn videos has become an addiction for the current generation and punishment cannot be a solution, he added.

"The Gen Z children are grappling with this serious problem and instead of damning and punishing them, society must be mature enough to properly advise and educate them and try to counsel them to get rid of that addiction," the judge said.

The court advised the petitioner, who was present in person, to attend counselling.

Woman judges sacked: SC takes suo motu note

Utkarsh Anand

letters@hindustantimes.com

NEW DELHI: The Supreme Court on Friday sought a response from the Madhya Pradesh high court administration on the latter's recommendation terminating the services of six women civil judges in June 2023 for poor performance, initiating proceedings on its own motion (suo motu).

A bench of justices BV Nagarathna and Sanjay Karol also issued notices to the six officers and fixed the next hearing on February 2. In its brief order, the court noted that three of these former judges have already approached the Madhya Pradesh high court against their termination, but the matter was yet to be taken up.

"Since the Hon'ble Chief Justice of India has directed registration of the suo motu proceedings in respect of all six officers, notices must be issued to all six. Issue notice to these officers as well as

the registrar general of Madhya Pradesh high court, returnable in three weeks," the court said.

The court heard advocate Gaurav Agarwal, who was appointed as an amicus curiae to assist it.

Agarwal pointed out that the bench may have to seek assessment records of other 300-odd judicial officers who were confirmed by the high court administration last year. "A comparative analysis will have to be done. My understanding is that a judicial officer on probation is usually absorbed as permanent judges after serving for more than four years in service."

The services of six women civil judges were terminated in June 2023 after the administrative committee and full court meeting of the Madhya Pradesh high court found their performance during the probation period unsatisfactory. Upon the recommendation of the high court, the state law department issued their termination orders.

गुजरात में 14 एजेंटों पर मानव तस्करी का मुकदमा

अहमदाबाद, प्रेस : गुजरात से 60 से अधिक लोगों को मैक्सिको सीमा के रास्ते अवैध रूप से अमेरिका भेजने की कोशिश करने के आरोप में 14 एजेंटों पर पुलिस ने मानव तस्करी का मुकदमा दर्ज किया है। जल्द ही सभी के खिलाफ लुक-आउट सर्कुलर जारी किया जाएगा। ज्ञात हो, पिछले महीने भारतीयों को लेकर निकारागुआ जा रहे विमान को मानव तस्करी के संदेह में फ्रांस ने रोक लिया था। बाद में विमान को भारत वापस भेजा गया।

गुजरात सीआइडी ने कहा है कि इनमें से अधिकांश एजेंट गुजरात के हैं। कुछ दिल्ली, मुंबई व दुबई के हैं। प्राथमिकी में नामित एजेंटों में दिल्ली के जोगेंद्र उर्फ जग्गी पाजी और जोगिंदर मानसराम, मुंबई के राजा भाई और राजू पांचाल और दुबई के सलीम शामिल हैं। अन्य आरोपितों में चंद्रेश पटेल, किरण पटेल, भार्गव दर्जी, संदीप पटेल, पीयूष बारोट, अर्पितसिंह जाला, बीरेन पटेल, जयेश पटेल और सैम पाजी शामिल हैं। अतिरिक्त पुलिस महानिदेशक, सीआइडी (अपराध और रेलवे) एसपी राजकुमार ने कहा, जांच से पता चला कि इन एजेंटों ने लैटिन अमेरिकी देश (निकारागुआ) पहुंचने के बाद गुजरात के यात्रियों को 60 लाख रुपये से 80 लाख रुपये में अवैध रूप से अमेरिका में घुसने में मदद करने का वादा किया था। यह भी पता चला कि फ्रांस में रोकी गई उड़ान से पहले, अमेरिका, मैक्सिको, निकारागुआ, दुबई और दिल्ली में रहने वाले मुख्य एजेंटों के साथ मिलकर इन एजेंटों ने दिसंबर में तीन बार में कई लोगों को निकारागुआ भेजा था।



छात्रा से गैंगरेप, 4 पर केस दर्ज

जौंद, 12 जनवरी (हप्र)

छात्रा को नशीला पदार्थ देकर गैंगरेप के मामले में महिला थाना पुलिस ने चार युवकों के खिलाफ मामला दर्ज किया है।

छात्रा ने पुलिस को दी शिकायत में बताया कि 12 दिसंबर को हांसी के गांव भकलाना निवासी सुनील गाड़ी लेकर आया और उसे कहा कि वह उसे छोड़ देगा। उसने उसे कुछ नशीला पदार्थ

सुंघा दिया और हिसार में एक जगह पर ले जाकर दुष्कर्म किया। उसे किसी को बताने या शिकायत करने पर जान से मारने की धमकी भी दी।

इसके बाद सुनील के साथियों गांव मदीना निवासी मनोज, मनोहरपुर गांव निवासी रोहित और भिवानी के साहिल ने भी उसके साथ रेप किया। पुलिस ने आरोपियों के खिलाफ केस दर्ज कर कार्रवाई शुरू की है।



सीएम फ्लाइंग ने की कार्रवाई

जांच के नाम पर मरीजों से पैसे लेते अस्पताल के दो कर्मचारी काबू

चरखी दादरी, 12 जनवरी (हप्र)

एक तरफ जहां सरकार द्वारा सरकारी अस्पतालों में पुख्ता प्रबंधों के दावे किये जा रहे हैं वहीं दूसरी तरफ दादरी के सिविल अस्पताल में कर्मचारियों की करतूत सामने आई हैं। लैब में कार्यरत दो कर्मचारियों द्वारा मरीजों से जांच के नाम पर पैसे लेते सीएम फ्लाइंग टीम ने मौके पर काबू किया है।

टीम को देखकर दोनों आरोपी कर्मचारियों ने भागने का भी प्रयास किया। टीम ने दोनों से पैसे भी रिकवर करते हुए आगामी कार्रवाई शुरू कर दी है। मुख्यमंत्री उड़नदस्ता टीम को गुप्त सूचना मिली थी कि दादरी के सिविल अस्पताल में मरीजों से जांच के नाम पर पैसा लिया जा रहा है। सीएम फ्लाइंग टीम के

इंचार्ज एसआई अनूप सिंह के नेतृत्व में शुक्रवार को कृषि विभाग के खंड अधिकारी हरबंस कुमार बतौर ड्यूटी मजिस्ट्रेट की उपस्थिति में कार्रवाई करते हुए लैब टेक्नीशियन व स्वीपर को पैसे लेते रंगे हाथों काबू किया है। सीएम फ्लाइंग टीम की छापेमार कार्रवाई के दौरान अस्पताल के अन्य कर्मचारियों में भी हड़कंप मच गया।

बतौर ड्यूटी मजिस्ट्रेट कृषि विभाग के खंड अधिकारी हरबंस कुमार ने बताया कि गुप्त सूचना के आधार पर टीम ने दो कर्मचारियों को जांच के नाम से पैसा लेते काबू किया है। दोनों के खिलाफ कार्रवाई करते हुए उच्चाधिकारियों को रिपोर्ट भेजी जाएगी। जांच के बाद अस्पताल के कई अन्य कर्मचारियों पर भी गाज गिर सकती है।



पति के साथ **संबंध बनाने** से इनकार करना मानसिक क्रूरता

भोपाल, 12 जनवरी (विशेष): मध्य प्रदेश उच्च न्यायालय ने कहा है कि पत्नी द्वारा अपने पति के साथ शारीरिक संबंध बनाने से इनकार करना मानसिक क्रूरता है और यह हिंदू विवाह अधिनियम के तहत पति के लिए तलाक लेने का एक वैध आधार है। हाईकोर्ट ने सुदीप्तो



**उच्च न्यायालय
ने माना पति
के लिए तलाक
का आधार**

साहा बनाम मौमिता साहा मामले में सुनवाई के दौरान एक फैमिली कोर्ट के फैसले को रद्द करते हुए यह बात कही। जस्टिस शील नागू और जस्टिस विनय सराफ की डिविजन बेंच ने भोपाल के एक फैमिली कोर्ट के उस फैसले को रद्द कर दिया, जिसने नवम्बर

(शेष पृष्ठ 7 कालम 2 पर)

पति के साथ ...

2014 के अपने फैसले में एक ऐसे व्यक्ति को तलाक देने से इनकार कर दिया था, जिसने तर्क दिया था कि उसकी पत्नी लंबे समय से बिना किसी कारण के शारीरिक संबंध बनाने से इनकार कर रही है। सुनवाई के दौरान अदालत ने कहा, 'हम मानते हैं कि बिना किसी शारीरिक अक्षमता या वैध कारण के काफी समय तक यौन संबंध बनाने से एकतरफा इनकार करना मानसिक क्रूरता हो सकता है।' पत्नी ने 12 जुलाई, 2006 को शादी से लेकर 28 जुलाई, 2006 को पति के भारत छोड़ने तक शारीरिक संबंध बनाने से इनकार कर दिया।



बंधुआ बाल श्रमिकों के लिए जारी किए दिशा-निर्देश

जागरण संवाददाता, नई दिल्ली: बंधुआ बाल श्रमिकों को बकाया मजदूरी और वित्तीय सहायता प्रदान करने के लिए केंद्रीय और राज्य एजेंसियों के लिए दिल्ली हाई कोर्ट ने दिशानिर्देश जारी किए हैं। कार्यवाहक मुख्य न्यायाधीश मनमोहन एवं न्यायमूर्ति मनमीत प्रीतम सिंह अरोड़ा की पीठ ने कहा कि कोई बच्चा बाल मजदूरी से मुक्त

कराया जाता है तो सबसे पहले उसके नाम से बैंक खाता खोला जाए।

मुक्त कराए गए दो बच्चों के पिता की याचिका का निपटारा करते हुए मुख्य पीठ ने कहा कि यह भी सुनिश्चित किया जाए कि उसको दी जाने वाली वित्तीय सहायता के साथ बकाया वेतन एक सप्ताह के भीतर खाते में स्थानांतरित कर दिया जाए। बकाया

वेतन की वसूली के मुद्दे पर पीठ ने कहा कि श्रम विभाग बच्चे को छुड़ाने के दो कार्य दिवस के भीतर नियोक्ता को वसूली नोटिस जारी करेगा। अगर रकम दो समय में जमा नहीं की जाती है तो निरीक्षक बाल कल्याण समिति से इसकी शिकायत करेगा और उसकी वसूली भू-राजस्व के बकाए के रूप से की जाएगी।



बाल श्रमिकों की बकाया मजदूरी की वसूली के निर्देश

नई दिल्ली। उच्च न्यायालय ने बंधुआ बाल मजदूरों की बकाया मजदूरी वसूलने और उन्हें वित्तीय सहायता प्रदान करने के लिए केंद्रीय और राज्य एजेंसियों द्वारा पालन किए जाने वाले कई निर्देश जारी किए। कार्यवाहक मुख्य न्यायाधीश मनमोहन और न्यायमूर्ति मनमोहन प्रीतम सिंह अरोड़ा की खंडपीठ ने कहा कि जैसे ही किसी बच्चे को बचाया जाता है और उसे बाल देखभाल/किशोर गृह में रखा जाता है, बाल देखभाल संस्थान (बच्चे का अस्थायी अभिभावक) का प्रभारी के साथ संयुक्त रूप से उसके नाम पर एक बचत खाता खोला जाएगा। ब्यूरो

एक दर्जन लोगों को हिरासत में लिया 19 साल की गर्भवती महिला सड़क पर घायल पड़ी मिली

एजेंसी | नई दिल्ली

मयूर विहार इलाके में 19 साल की गर्भवती महिला सड़क पर घायल अवस्था में पड़ी मिली। उसके शरीर पर कई चोटों के निशान हैं। वह अस्पताल में ज़िंदगी और मौत से जूझ रही है। इस घटना के संबंध में कम से कम एक दर्जन लोगों को हिरासत में लिया गया है।

एक अधिकारी के अनुसार, महिला को एलएनजेपी अस्पताल के आईसीयू में भर्ती कराया है। उसकी सर्जरी की जा सकती है। एक डॉक्टर ने कहा, विभिन्न विभागों के विशेषज्ञ डॉक्टरों का दल उसके इलाज में लगा है। उसकी हालत स्थिर है। गर्भ

घर लौटते समय अज्ञात लोगों ने किया हमला

पुलिस ने बताया कि महिला पूर्वी दिल्ली में अपने माता-पिता और बहन के साथ रहती थी। वह आयुर्वेद केंद्र में काम करती थी और बुधवार रात घर लौट रही थी। इसी दौरान अज्ञात लोगों ने उस पर कथित तौर पर हमला कर दिया। वह गुरुवार खून से लथपथ मिली थी।

में मौजूद बच्चे की स्थिति जानने के लिए जांच की जा रही है। पुलिस को संदेह है कि महिला पर उसके किसी परिचित ने हमला किया है।

अंतरराष्ट्रीय महिला सम्मेलन का समापन, राज्यपाल ने महिला हस्तियों को किया सम्मानित 46% महिलाएं किसी न किसी के बहकावे में आकर अपराध का शिकार हो रहीं, इन्हें बचाना जरूरी: रेनू

भास्कर न्यूज | फरीदाबाद

सूरजकुंड में चल रहे दो दिवसीय अंतरराष्ट्रीय महिला सम्मेलन का शुक्रवार को संपन्न हो गया। इस दौरान राज्यपाल बंडारू दत्तात्रेय ने प्रमुख महिला हस्तियों को स्मृति चिन्ह भेंट कर सम्मानित किया।

इससे पहले सम्मेलन में देश की पहली सबसे तेज सुपर बाइकर डॉ. निहारिका यादव, हरियाणा की आईपीएस अधिकारी नाजनीन भसीन, माउंटेनर अनीता कुंडू, माउंट आबू की पीस एंबेसडर डॉ. बिन्नी सरिन, चंडीगढ़ ट्रांसजेंडर वेलफेयर बोर्ड की सदस्य धनंजय चौहान आदि वक्ताओं ने महिला सुरक्षा व सशक्तिकरण पर चर्चा की। साथ ही महिलाओं को आत्मनिर्भर बनने के टिप्स दिए।

वहीं, महिला आयोग की चेयरपर्सन रेनू भाटिया ने कहा कि करीब 46% महिलाएं किसी न किसी के बहकावे में आकर अपराध का शिकार हो रही हैं।

सुरक्षा के लिए पाठ्यक्रम में शामिल हो सेल्फ डिफेंस



और इसे अनिवार्य बनाया जाना चाहिए। लड़कियों को सुरक्षित रखने का यही एक माध्यम है। जानी मानी मॉडल एवं अभिनेत्री महिमा बख्शी ने पुरुषों की सोच में बदलाव से महिलाओं को सुरक्षित रखने और शिक्षा के बल पर महिला सशक्ति बनाने पर जोर दिया। सम्मेलन में हरियाणा मानवाधिकार आयोग के चेयरमैन दीप भाटिया, महिला एवं बाल विकास की डायरेक्टर मोनिका मालिक, कमिशनर अमनीत पी कुमार, नेपाल ट्रेकिंग बहन लकी और छेत्री, शक्ति समूह नेपाल की बाला भटराय, नेलोफर करीमभोय पूर्व ऑक्सफोर्ड छात्र संघ नेता, रश्मि सावंत, ऑस्ट्रेलिया, रश्मि खन्ना हैदराबाद, एमएस सरला कॉर्पोरेटर भी मौजूद रही।

देश की पहली सबसे तेज सुपर बाइकर डॉ. निहारिका यादव ने कहा कि महिलाओं अथवा लड़कियों को सुरक्षित रखने के लिए सेल्फ डिफेंस का प्रशिक्षण बेहद जरूरी है। इसके लिए सरकारों को सेल्फ डिफेंस का कोर्स पाठ्यक्रम में शामिल करना चाहिए

खुद को प्रूफ करने का नशा होना चाहिए

डीआईजी नाजनीन भसीन ने कहा कि प्रदेश सरकार हरियाणा नशामुक्त बनाने का कार्य तेजी से कर रही है। ऐसे में लड़कियों को नशा अपने आपको प्रूफ करने में करना चाहिए। यही सबसे बड़ा हमारा आभूषण है। जिस दिन बच्चियों में ये भाव पैदा हो गया उस दिन से वह खुद-ब-खुद सशक्त हो जाएंगी। उन्होंने कहा कि लड़कियों को अपना ध्यान सोशल साइटों पर लगाने के बजाय किताबों में लगाना चाहिए।

महिलाओं से अपराध के 2023 में 2248 केस आए

रेनू भाटिया ने कहा कि आयोग के पास वर्ष 2023 में महिलाओं के साथ हुए अपराध के 2248 केस आए थे। इनमें करीब 46% युवाओं से जुड़ी थीं। अर्थात युवा लड़कियां किसी न किसी कारण या फिर बहकावे में आकर अपराध का शिकार हो रही हैं। हमारी जिम्मेदारी बनती है कि हम बेटियों को अपराध में शामिल होने से बचाएं। ब्रह्माकुमारी बहन डॉ. बिन्नी सरिन से कहा कि इम्पॉवरनिमेंट के लिए सेल्फ इम्पॉवरमेंट जरूरी है। इसके लिए अपनी संस्कृति से जुड़ना होगा। मेडिटेशन से हम अपनी ऊर्जा को सही जगह केंद्रित करें तो समाज में बदलाव ला सकते हैं।

बच्चों को सेक्स एजुकेशन देना जरूरी

हरियाणा राज्य बाल कल्याण की मानद महासचिव रंजिता मेहता ने कहा कि बच्चों के प्रति हमारा व्यवहार हमेशा अच्छा होना चाहिए ताकि हम उनको समझा सके की उनको जिंदगी में आगे सही दिशा में कैसे जाना है और क्या सही और गलत उसका चुनाव करना है। उन्होंने कहा कि समाज में जब 12 या 13 वर्ष की बच्ची मां बनती है तो उसका भविष्य क्या होगा, कल्पना नहीं की जा सकती। ऐसा न हो इसके लिए हमें अपने बच्चों को सेक्स एजुकेशन देना बहुत जरूरी है, ताकि समय के साथ साथ शरीर में होने वाले बदलाव को वो समझ सकें।

NHRC chief calls for reforms, tackling injustice

EXPRESS NEWS SERVICE
@ Bengaluru

CHAIRPERSON of the National Human Rights Commission and former Supreme Court judge

Justice Arun Kumar Mishra emphasized the significance of reservation as a tool to ensure justice for Scheduled Caste and Scheduled Tribe (SC and ST) communities. Despite India celebrating 75 years of Independence, these communities face persistent challenges, he said and advocated change, even if it requires amending existing laws. This, among other topics including gender equality, education and healthcare, was conveyed during a colloquium on Distributive Justice and Substantive Equality at Bharatiya Vidya Bhavan on Friday.

Fundamental rights are not mere privileges, but justice given to every citizen. People are the driving force behind development, hence, they should be prioritized equally for overall growth. Differences continue to exist in society, in such cases, if the law cannot address the differences, it should redefine certain concepts, including gender equality, and confront the persistent denial of fundamental rights

for SC and ST castes, Justice Mishra said.

He said that as the world undergoes swift technological advancements, disparities emerge in the form of a digital divide, which poses a potential obstacle to the country's overall progress. It is imperative for the system to vigilantly address challenges posed by technology, such as instances of child sexual abuse, where a child is live-streamed, and others profit from it. Courts should enact laws holding intermediaries accountable and impose penalties to address such issues.

Speaking about imbalances and advocating substantive equality, Justice Mishra added that to achieve sustainable growth, society must rectify existing imbalances as the equal provision of education, healthcare and basic amenities, as mandated by the Constitution, is crucial for fostering a more equitable environment.

Furthermore, challenges such as ensuring equal pay for equal work, and addressing exploitation based on social background, including the deplorable practice of manual scavenging, demand immediate attention. In the post-Independence era, courts cannot afford to remain silent spectators.



►► **Patil Ketan Baliram appointed DIG,
NHRC**

Patil Ketan Baliram, SP, NHRC has been appointed as DIG, NHRC after promotion to the DIG rank for a combined tenure of 5 years (SP+DIG). He is a 2010 batch IPS officer of Punjab cadre.



►► **Sunil Kumar Meena appointed DIG, ITBP**

Sunil Kumar Meena, DIG, NHRC has been appointed as DIG, ITBP on lateral shift basis for a combined tenure of 5 years from the date of joining the post. He is a 2007 batch IPS officer of Uttarakhand cadre.

दोषी पुलिसकर्मियों पर कार्रवाई की रिपोर्ट प्रस्तुत करने का निर्देश

चंदौली। यूपी अपराध पर अंकुश लगाने के लिए सरकार सख्त कदम उठा रही है। वही पुलिस विभाग के आला आफिसर अपराध पर अंकुश लगाने के लिए पुलिस विभाग के अधिकारियों को भी सख्त निर्देश जारी कर रहे हैं। बावजूद जनपद की पुलिस पर कोई असर देखने को नहीं मिल रहा है। माननीय सुप्रीम कोर्ट के आदेश और राष्ट्रीय मानव अधिकार आयोग के निर्देशों को जनपद पुलिस द्वारा खुलेआम धम्वजियां डड़ाई जा रही है। धानापुर पुलिस पर विगत वर्ष एक नाबालिक लड़की को दो रात्रि तक थाने में रोकने का आरोप लगा था। जबकि माननीय सुप्रीम कोर्ट का आदेश है कि किसी भी महिला को शाम छह बजे के बाद थाने में रोकना अपराध है। पीड़ित नाबालिक लड़की के नाना ने ह्यूमन राइट सी डब्लू ए के राष्ट्रीय महासचिव नरेंद्र सिंह चौहान को

लिखित शिकायत दी। पीड़ित ने शपथ पत्र में आरोप लगाया था कि धानापुर पुलिस ने बिना कारण बताए हमारे नातिन को जो नाबालिक लड़की है को पुलिस ने थाने ले गई और दो रात्रि से थाने में रोक रखा है। राष्ट्रीय महासचिव ने प्रकरण की शिकायत राष्ट्रीय मानव अधिकार आयोग नई



दिल्ली में भेजकर दोषी पुलिस कर्मियों के खिलाफ सख्त से सख्त करवाई करने एवं पीड़ित को उचित मुआवजा दिलाने का अनुरोध किया। मामले पर विचार करते हुए एनएनआरसी ने

उत्तर प्रदेश राज्य मानवाधिकार आयोग को शिकायत भेजते हुए संबंधित मामले पर उचित कार्रवाई करने का निर्देश दिया। उत्तर प्रदेश राज्य मानव अधिकार आयोग ने पुलिस अधीक्षक से मामले पर निष्पक्ष जांच कर रिपोर्ट प्रस्तुत करने का निर्देश दिया। पुलिस अधीक्षक द्वारा अयोग को रिपोर्ट प्रस्तुत की गई जिसमें उल्लेख किया गया है कि प्रश्नगत प्रकरण में विपिन सिंह तत्कालीन थाना अध्यक्ष धानापुर उपनिरीक्षक सेवानिवृत्त मोहम्मद सलीम, उप निरीक्षक राम प्रसाद यादव, मुख्य आरक्षित दीपक त्रिपाठी एवं मुख्य आरक्षी धीरेंद्र यादव दोषी पाए गए हैं। आयोग ने दोषी पुलिसकर्मियों के उपर की गयी कार्रवाई का आख्या ३१ जनवरी तक प्रस्तुत करने के लिए एसपी को निर्देशित किया है।