

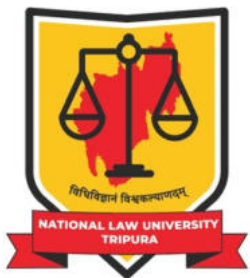
NLU Tripura's ADR Centre - Presents

# Legal News Bulletin!

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*Curated by -*  
Centre for Alternative Dispute  
Resolution



## NATIONAL LAW UNIVERSITY, TRIPURA

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## **NATIONAL LAW UNIVERSITY, TRIPURA**

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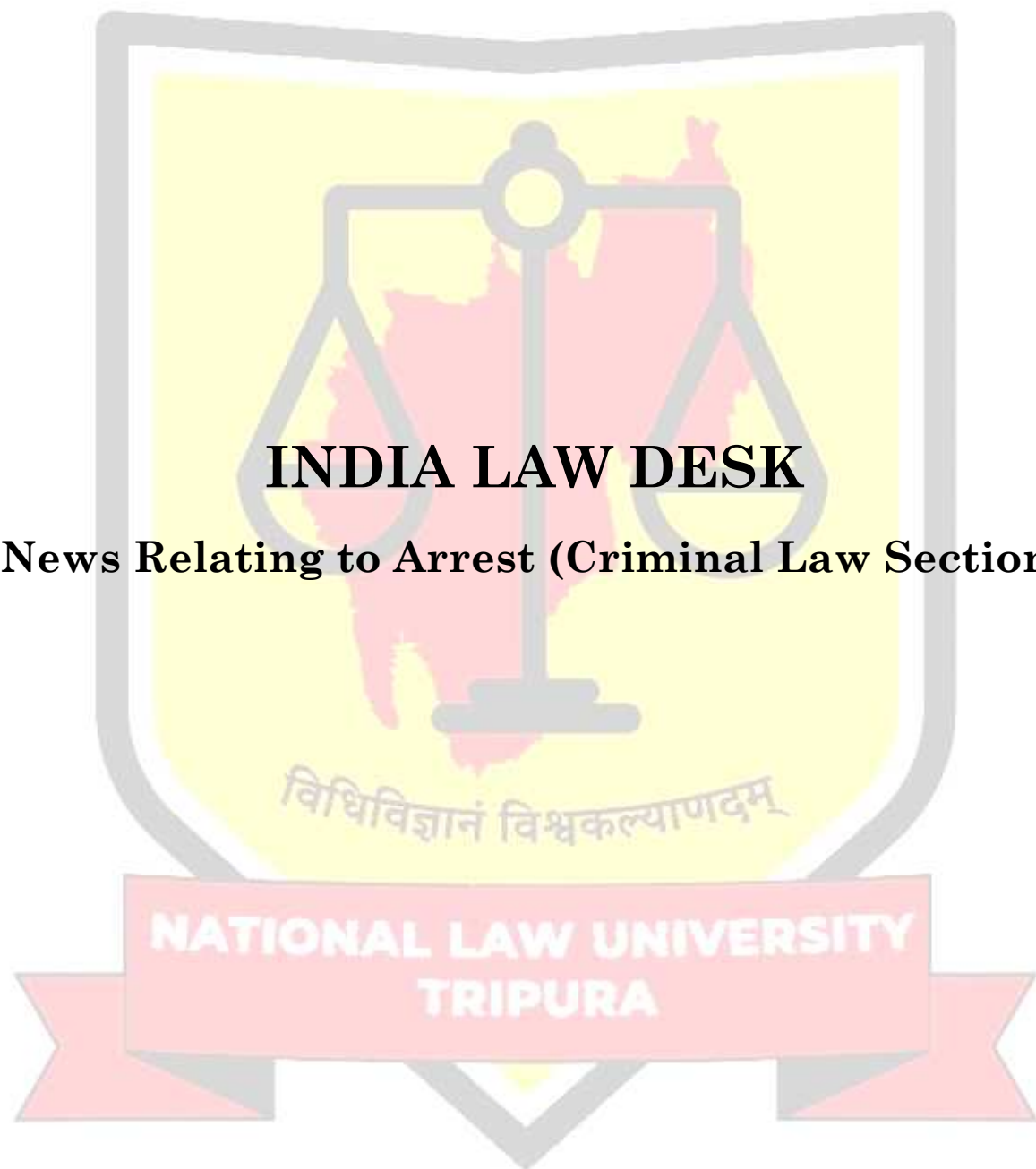
*Presents-*

### **Legal News Bulletin!**

#### **CONTENTS**

<b>Sl. No.</b>	<b>Title</b>	<b>Page Nos.</b>
1.	<b>INDIA LAW DESK</b>	
2.	News Relating to Arrest (Criminal Law Section)	01-26
3.	News Relating to Bail (Criminal Law Section)	27-51
4.	News Relating to Offences Against Women (Criminal Law Section)	52-87
5.	News Relating to Relationships	88-94
6.	News Relating to Law, Politics and Elections	95-155
7.	News Relating to Education & Cyber Crime	156-175
8.	News Relating to Indian Court Orders	176-276
9.	Ancillary News with an undertone of Law	277-323
10.	<b>GLOBAL LAW DESK</b>	324-373





## **INDIA LAW DESK**

**News Relating to Arrest (Criminal Law Section)**

PM  
H

## Rohingya trafficking racket kingpin in Tripura arrested

Biswendu Bhattacharjee | TNN

**Agartala:** A North Tripura court on Monday remanded the alleged kingpin of a human trafficking racket operating in the state in police custody for three days. SP (North) Khanupada Chakraborty said, "Based on the information from a Rohingya detainee, police arrested Surukh Ali, the kingpin of a human trafficking network including Bangladeshi nationals and Rohingya operating in North Tripura and Unakoti district."

According to police, Ali's gang had rented accommodations in various locations in Unakoti to provide short-time lodging for infiltrators who had crossed the border from Bangladesh. The human traffickers in Tripura followed the same method to run their operations, he stated. The SP said that police had arrested 25 Rohingyas in North Tripura on July 4 and 5, who were planning to board buses to Guwahati and then take a train to Hyderabad in search of jobs.

Cops learnt about the network while interrogating them. CM Manik Saha held a meeting with top BSF and police authorities in the presence of the chief secretary, and issued directives for effective measures to stop all illegal activities along the India-Bangladesh border. Saha asked the authorities on how, despite the strong barbed wire fencing along the India-Bangladesh border and the deployment of a large number of BSF jawans, infiltration continues in the state.



PS

### **Tripura man in custody for raping minor stepdaughter**

**Agartala:** A 45-year-old day labourer was remanded to police custody for three days in Tripura's Khowai district for allegedly raping his 13-year-old stepdaughter over the past three months.

According to SDPO Pusan Kanti Majumder, the accused has confessed to the crime. The survivor's cause of injuries, the SDPO said, can only be ascertained after medical tests and forensic investigation.

"Allegedly, the teen was abused several times but couldn't divulge her ordeal to anybody. Recently, police learned the matter from her school and immediately the accused was arrested," Majumder stated. TNN

JUNE 28, 2024

P7

### 13-yr-old held for sending bomb threat to Delhi airport

**New Delhi:** A 13-year-old boy was apprehended for sending a hoax bomb threat email to IGI Airport on June 17. The boy was inspired by a similar incident involving another child a few days earlier, which he had seen on social media. He claimed to have sent the email purely for fun.

Police said that on June 17, they received a complaint from DIAL (Security & Vigilance) regarding a bomb threat email targeting a flight scheduled from Delhi to Dubai, leading to the registration of a case.

According to deputy commissioner of police, the airport was placed on high alert and a full emergency was declared due to the severity of the threat. "The guidelines outlined in the SOP were adhered to, ensuring safety of all passengers at the airport. Subsequent investigations confirmed that the threat email was a hoax," she stated. Technical surveillance traced the origin of the email to Pithoragarh, and the suspect was identified as a Class IX student. The boy used a phone provided by his parents to send the email and promptly deleted the address. TNN



P7

## Pool death: 14-day judicial custody for kid's trainer

**Kolkata:** The trainer of Barrackpore Nonachandanpukur Athletic Club swimming pool training centre, Kaushik Kinkar Ghosh, who was on Saturday arrested over an alleged negligence in connection with the drowning of the eight-year-old boy, Pratik Biswas, during the swimming training session in the pool on Tuesday evening, has been remanded in judicial custody for 14 days. He was produced in a Barrackpore court on Sunday afternoon.

The swimming pool training centre will remain closed until the investigation comes to an end, police said. Biswas, a resident of Barrack-

pore's Battala and a class IV student who had joined the swimming club in 2023, drowned on Tuesday evening while he, along with other students, was taking lessons in the pool.

The victim's mother had lodged a complaint with Titagarh police station against the trainer.

Uttam Das, the chairman of Barrackpore Municipality and the president of the Nonachandanpukur Athletic Club, however, said, "The club authorities will also look after the development of the infrastructure of the swimming pool to avoid any kind of untoward incident further." — **Sanjib Chakraborty**

P5  
**2 minors held for 5-yr-old's rape**

**Patna:** Police on Thursday took into custody 2 students, aged 12 and 13, of a private school in Bihar's Nawada allegedly raping a 5-year-old UKG student. The accused were sent to a remand home, reports **Kshitiz**. The crime was committed on June 30 when the girl visited the school's washroom in between classes, police said.



## Police arrest 'Red urban link' who went to HC on 'fake kills'

TIMES NEWS NETWORK

**Raipur:** A 25-year-old woman who had moved Chhattisgarh High Court in 2016 against alleged extra-judicial killings of six persons in Bijapur, and was wanted for murder, arson and loot, was arrested in Raipur on Monday.

Pottam faced 12 warrants on basis of cases registered against her, Bijapur SP Jiten-dra Yadav said. "She has been actively working as an urban link for Maoists and was living in Raipur under a changed name. She was involved in violent incidents by Maoists, attempted murder, arson, loot, instigating public through her speeches," the SP added.

Peoples Union for Civil Liberties condemned the arrest, calling Pottam an "activist", and describing her as a "thorn in eyes of police for raising her voice against atrocities". PUCL alleged that Pottam was taken away in a vehicle without number plates and that police refused to produce her to the court.

to PUCL members. Activist and human rights defender Suneeta Pottam, a resident of Korcholi village in Bijapur district, was dragged out of her temporary residence in Raipur around 8.30 this morning by a Bijapur district police team, led by DSP Garima Dadar," PUCL-Chhattisgarh said in a statement.

"While Pottam is claimed to have been working for Moolvasi Bachao organisation, there have been arrests made earlier from this same outfit. Pottam was linked with the Maoist supply network and was their urban support. There were cases registered in her name for four to five years," the SP said. After warrants were issued, she evaded arrest and was living in Raipur under a different identity, police said.

PUCL alleged that Pottam's arrest violated SC guidelines. "Pottam has been raising her voice against atrocities, especially against women. She is an active member of PUCL and a member of the national women's organisation," PUCL said in a statement.

P1

## Porsche teen's mom arrested, slapped with forgery charges

TIMES NEWS NETWORK

**Pune:** The mother of a 17-year-old boy involved in the May 19 Porsche Taycan crash in Pune was arrested late Saturday afternoon for allegedly giving her blood sample in place of her son's for the alcohol test to determine if he was driving under the influence when the luxury electric car fatally hit two software engineers on a bike at 160kmph.

Pune police crime branch initially detained the 49-year-old woman around 6.30am at her Wadgaonsheri bungalow. "We have recorded her statement. She said doctors at the hospital had asked her to give her blood instead of her son's. She pretended not to know why the doctors told her that," Pune police commissioner Amitesh Kumar said, following her arrest later in the day.

The boy and his friends



The car was allegedly racing at 160kmph at time of the accident

had visited two pubs that night before the accident around 2.30am, according to police. The mother was arrested on charges of forgery and destruction of evidence after DNA analysis revealed the blood sample did not belong to her son. A Maharashtra govt-appointed committee reported that a woman and two elderly people provided blood samples instead of the boy's after the accident. "We will take her blood samples afresh for DNA fingerprinting tests to confirm

if she indeed gave her blood for the test," a senior crime branch officer said.

Police were unable to contact the boy's mother for four days. "The woman had gone to Mumbai. She returned to Pune late Friday night. Our team went to the bungalow after we came to know about her return," a senior crime branch officer said.

Upon detention, an officer handed her a notice to be present at the observation home to record her son's statement in her presence. ACP (crime) Shailesh Balkawade said: "Our team recorded the boy's statement in the presence of his mother."

The boy's 50-year-old father, a prominent builder, was arrested on May 21 for allowing his underage son to drive the Porsche despite knowing the teenager lacked a driving licence.

► Much evidence, P 7



MAY 8, 2021

## Indian Coast Guard detains Iran boat, rescues Indian crew

**New Delhi:** An Iranian fishing vessel has been detained by Indian Coast Guard (ICG) off the coast of Kerala after its six-member Indian crew complained of exploita-

tion by the boat's owner.

After the ICG intercepted the fishing vessel west of Bhopore in a swift sea-air operation late on Sunday night, a team boarded the boat to

check for "any anti-national activity", officials said on Monday. "The crew alleged their Iranian sponsor had ill-treated them, and confiscated their passports. They said

they had decided to escape from Iran to India using the same boat. The vessel was safely brought to Kochi for further investigation on Monday," he added. TNN

2 **6 minors  
detained for  
killing imam  
over sex abuse** P7

**Ajmer:** Six minor students of a madrasa were detained for allegedly killing imam of Mohammadi Masjid, Maulana Mohammad Mahir (32), for sexually abusing a student. Police also recovered mobile of Mahir and the rope used to strangle him.

For the last 15 days, all the students stuck to their story that three masked men killed Mahir and threatened them to keep quiet. Ajmer SP said the case was a challenge for police as nothing was emerging even after inspecting hours of CCTV footage and checking the background of Mahir.

"We took students into confidence who revealed everything," he said. Bishnoi said, one of the students was sexually abused by Mahir. Disturbed with his regular harassment, students decided to murder him. TNN

25 arrested, 450+  
booked after mob  
attacks Christians  
in Pak's Punjab

**Lahore:** Police in Pakistan's Punjab province on Sunday booked over 450 people and arrested 25 of them under terrorism and other charges for attacking members of minority Christian community and police personnel on the issue of alleged desecration of a religious book.

An enraged mob led by radical Islamist Tehreek-e-Labbaik Pakistan activists on Saturday attacked Christians in Mujahid colony of Sargodha district, some 200 kms from Lahore, and injured two Christians and 10 policemen. The mob burned and ransacked the homes and properties of Christians.



PS

### 8 held in child trafficking racket bust, 11 rescued

**Hyderabad:** Investigation into the sale of an infant in Hyderabad recently blew the lid off an inter-state child trafficking racket, leading to arrest of eight persons on Tuesday and rescue of 11 children, aged between 23 days and three years, from different parts of Telangana and Andhra Pradesh.

The operation was conducted by Rachakonda police after three persons, who were part of the racket, were arrested earlier this month.

A hunt is still on for the 'suppliers', the police stated. TNN

# Swedish man gets 18 yrs for Bengal scholar's murder

Aheli Banerjee  
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**Kolkata:** Richard Johansson (29), a Swedish computer programmer, was sentenced to 18 years in prison last Wednesday by a Swedish district court, for the murder of **Roshni Das** (31), a research scholar at Umea University in Sweden last Sept at her apartment. Das was from Durgapur.

According to Oskar Soderberg, the lawyer who represented Das's family, Johansson did not have any previous criminal record and had met Das through a dating app. "The two had met a few times before the murder but did not have a relationship. The murderer had a girlfriend living in Germany," he said.

In Nov, while the police investigation was still in progress, **TOI** reported that Das's body was flown back to India, retrieved by five family members and was taken to their native village Kandi, in Murshidabad. Following Wednesday's verdict, Roshni's cousin, Supradip Das told **TOI**, "When we received her body we could not recognise her face at all. We were told after the investigation that her face had been slashed 41 times. Now we are glad that justice has been served swiftly. However, the family is still under bereavement. Roshni's mother, Mamata, is still undergoing psychological counselling."

According to the judgement by Umea District Court,

**Bengal academic's body found in Sweden flat, kin cry murder**

**Kolkata:** The Swedish court sentenced Richard Johansson to 18 years in prison for the murder of Roshni Das. The court found Johansson guilty of strangling Das and inflicting repeated blunt and sharp force trauma to her head and neck. The violence consisted of Richard Johansson strangling Roshni Das, stabbing her with a knife, and hitting her with an iron, a rod, and a ski, the Court observed.

**TOI | OCT 17, 2023**

the cause of Das's death was by strangulation and by inflicting repeated blunt and sharp force trauma to her head and neck. "The violence consisted of Richard Johansson strangling Roshni Das, stabbing her with a knife, and hitting her with an iron, a rod, and a ski," the Court observed.

Swedish prosecutor Anna Lundberg noted during the verdict that Johansson had been living with his cousin prior to the murder. He had been in police custody after allegedly threatening to assault the cousin. Upon release on Sept 29, Johansson contacted Das. When neighbours who had seen Das with Johansson asked the latter about Das's whereabouts, Johansson said he had killed her.

The neighbours subsequently called an ambulance and the police discovered her body in her apartment on Sept 30.

"The family regrets that the murderer was released from police custody after allegedly attacking his cousin. If not for that, perhaps Roshni would have still been with us," said Supradip.



P1

### **Siliguri RKM vandalism: Main accused held**

In a joint operation, Special Operation Group and Bhakti Nagar police on Saturday arrested the main accused in the vandalism at the Ramakrishna Mission property at Salagura on the outskirts of Siliguri. Pradip Roy was produced in a Jalpaiguri court on Sunday and sent to police custody for three days.

This is the tenth arrest in connection with the case. **P4**



# Cuffs on main accused in Hills RKM property vandalism

Roshan Gupta | TNN

**Siliguri:** In a joint operation, the Special Operation Group (SOG) and Bhakti Nagar police arrested Pradip Roy on Saturday evening—the prime accused in the vandalism at the Ramakrishna Mission property at Salagura on the outskirts of Siliguri.

Roy was produced before the

Pradip Roy was produced in Jalpaiguri court on Sunday and sent to police custody for three days

Jalpaiguri court on Sunday and sent to police custody for three days. This is the 10th arrest in connection to this case.

The Ramakrishna Mission property, located in ward 8 un-

der the Siliguri Municipal Corporation was allegedly vandalised by helmet-wearing, armed miscreants in the early hours of May 19.

Police had filed two FIRs—one registered by the mission authority and the other by the prime accused. However, four days after the incident, police escorted the secretary of RKM, Siliguri, Swami Shivaprema-

nanda to the property and the property related papers were handed over to the mission authorities on May 23.

According to the cops, Roy was trying to escape but he was arrested from Siliguri junction on Saturday evening.

"Initially, five suspects were arrested by Bhakti Nagar police, followed by the apprehension of three more individuals.

Subsequently, Alok Das alias Chottu, the alleged mastermind was arrested from the Kholachand Pafri area on Friday. Following his arrest we received a tip-off and arrested Roy on Saturday evening. We have arrested 10 persons in connection to this case, including Roy who is the kingpin," said an official with the Siliguri Metropolitan police.



P6

## 2 get life term for Mum salon exec's murder

Rebecca.Samervel@timesgroup.com

**Mumbai:** A day after convicting them for the murder of 28-year-old BBlunt Salon executive **Kirti Vyas** in 2018 despite her body never being found, a sessions court on Tuesday sentenced her colleagues **Siddhesh Tamhankar** (33) and **Khushi Sahjwani** (48) to life imprisonment by relying strongly on corroborated circumstantial evidence.

They were also sentenced to seven years' rigorous imprisonment for destruction of evidence by dumping Vyas's body in Ma-

hul creek. In a 114-page detailed judgment, additional sessions judge **M G Deshpande** said "the unbroken chain of links of circumstances" proved the crime beyond reasonable doubt.

The court said all the evidence — the deposition of 39 witnesses; call data records; CCTV footage from March 16, 2018, (the day Vyas went missing) that was recovered from various spots; and the conduct of the accused — conclusively established that Vyas was strangled to death by the duo inside Sahjwa-

ni's car. "...The presence of blood-stain (in the car) and the DNA analysis report confirm that Kirti was not alive but had been killed," observed the court.

The judge said the prosecution cannot be forced to prove what had happened inside the car when Vyas got into it and after her phone was switched off at 9.30am at Jijamata Nagar in Worli that day, adding that her being with them leads to "the only and only inference that she was murdered by both of them".

Bhoiwada-based Tamhankar

an accounts executive, with who worked for the salon BBlunt Salon in Andheri, feared losing his job after being put on notice by Vyas, a finance manager, over his poor performance, at work, and about his relationship with a married Sahjwani being exposed. "...the way Siddhesh and Khushi were living their lives clearly indicates anxiety about separation, which motivated both of them to cause Kirti's mysterious disappearance," the judge said. Sahjwani, a Santa-cruz resident, worked at the salon's academy.



P1

## Porsche crash: Teen driver's dad, 2 others detained

Gitesh Shelke &  
Mohammed Akhef

**Pune:** A prominent builder and father of the 17-year-old boy involved in Sunday's fatal Porsche Taycan crash was detained on Tuesday along with his driver and an associate in Chhatrapati Sambhajinagar, 240km from Pune.

The builder faces charges for allowing his underage son, who lacks a valid driving licence and proper training and consumes alcohol, to drive the car.

Police also arrested Naman Bhutada, 25, and Sachin Kaatkar, 35, the owner and staffer of a pub in Mundhwa locality of Pune, and Sandip Sangle, 35, an assistant manager at another pub, also in Mundhwa. The men are charged with serving liquor to minors without verifying their age. They were remanded in custody till May 24.

Pune cops are transporting the builder and the two others to the city, and he is expected to be formally arrested and presented in court on Wednesday.

Pune police commissioner A Kumar said: "We will question the other two people and will take a call on whether to make them co-accused."

Aneesh Awadhia and Ashwini Koshta, both 24 years old and from Jabalpur in MP, were killed in the accident near a pub in an upscale Pune neighbourhood when the Porsche electric luxury sedan struck their bike from behind at 160kmph around 2.30am, dragging Koshta for 50ft, according to police.

► 'Tried to outsmart us', P 14



## Cops: Teen's dad tried to outsmart us after fleeing from the city

► Continued from P 1

The underage driver was detained and Juvenile Justice Board (JJB) released him later with certain conditions such as writing a 300-word essay and assisting RTO officers for 15 days. Police have filed a review application against the Juvenile Justice Board's bail order, while seeking to try the teenager as an adult.

The matter will continue on Wednesday.

A case was also registered against the two pubs — the teenager and his friends visited — for serving liquor to minors. "On Tuesday evening, we also detained a manager and a staffer of Blak Marriott for questioning and will take a call on their arrest soon," DCP (crime) Amol Zende said. The police are searching for two more suspects. "The builder attempted to outsmart us after fleeing from the city. He sent one of his vehicles towards Mumbai and another to Goa. He borrowed a vehicle from an associate but this vehicle had an inbuilt GPS device. Examining CCTV footage from the builder's bungalow, we found that

**Police found the builder's driver and an associate in a hotel and their questioning led them to a lodge near Chhatrapati Sambhajnagar railway station where the builder was hiding**

he had left in a car towards Ahmednagar road. Based on the vehicle's registration number, we secured the GPS coordinates and tracked the vehicle to Chhatrapati Sambhajnagar," police chief Kumar said.

Police found the builder's driver and an associate in a hotel and their questioning led them to a lodge near Chhatrapati Sambhajnagar railway station where the builder was allegedly hiding. "The builder had switched off his cell phone since Monday morning. Our teams managed to reach the star hotel and the driver gave us the whereabouts of his employer," ACP (crime) Shailesh Balkawade said.



MAY 14, 2024

## Youth arrested for date-rape in Kasba

Sarthak.G@timesgroup.com

**Kolkata:** A youth was arrested on Saturday for allegedly raping a woman whom he had asked to accompany him to a friend's birthday party.

Instead of going to a party, he and his friend took her somewhere else, spiked her drink and allegedly raped her.

The two had been dating for the past three months after meeting online.

After the woman lodged a complaint at the Kasba police station, the youth, Fazal

Hossein, was arrested from his Beniapur home.

He was on Sunday remanded in police custody till May 17. Cops are looking for his friend.

Opposing Hossein's bail,

**ARRESTED FROM  
BENIAPUKUR**

govt counsel Subhashis Bhattacharya said in court that the woman had first come across the accused on social media on Jan 25.

They became friends and started dating and going out together.

It was alleged that Hossein, after a few dates, asked the woman to meet him as he said would take her to a friend's birthday party at Tagore Park in Kasba.

"The woman has complained that she was not taken to any birthday party, but somewhere else," said a police officer. He added, "Accompanied by his friend, Hossein gave her a spiked drink and after she fell unconscious, the two allegedly took turns to rape her. We are looking for the other accused. Hossein is in police custody and we are questioning him."

## THE TIMES OF INDIA

JUNE 22, 2024

P1

Arrest last option: HC  
relief in cow killing case

**Prayagraj:** "Irrational and indiscriminate arrest" is a gross violation of human rights, Allahabad High Court has said while granting anticipatory bail recently to a man charged with cow slaughter in an FIR in Varanasi. Justice Siddharth criticised the practice of arbitrary arrests, underscoring the importance of protecting personal liberty and the need for restraint in the use of arrest powers by police, reports **Rajesh Kumar Pandey**.

Mohammad Tabish Raza's counsel argued that this was his first offence and that the charges were false, expressing concern that his client could be arrested at any moment. The state counsel contended that given the seriousness of the allegations, anticipatory bail should not be granted. He argued that Raza's fear of arrest was unfounded and not based on any substantive evidence.

► Arrests unnecessary', P 9

P9

'Most arrests in  
India unnecessary'

► Continued from P 1

Justice Siddharth concluded that personal liberty is a fundamental right that should only be restricted when absolutely necessary. The court's decision referenced the case of Joginder Kumar vs State of UP.

The Supreme Court in this case referred to the third report of the National Police Commission, which revealed that a significant portion of arrests in India were unnecessary or unjustified, contributing to corruption

within police.

The report indicated that such arrests accounted for 60% of unnecessary detentions and 43.2% of jail expenditures.

"There is no definite period fixed for police to arrest an accused against whom FIR has been lodged. The courts have repeatedly held that arrest should be the last option for police and it should be restricted to those exceptional cases where arresting the accused is imperative or his custodial interrogation is required," Justice Siddharth said.

## Medha Patkar sentenced to 5 mths in jail in defamation case

New Delhi: A court here on Monday sentenced activist **Medha Patkar** to five months' simple imprisonment in a 23-year-old defa-



mation case lodged against her by Delhi LG V K Saxena when he headed an NGO in Gujarat.

Metropolitan magistrate Raghav Sharma also imposed a fine of Rs 10 lakh on Patkar. However, the court suspended the sentence for one month to enable Patkar to file an appeal against the order.

Rejecting Patkar's prayer to release her on the condition of probation, the judge said: "Considering the facts... damages, age and ailment (of the accused), I am not inclined to give excessive punishment."

On May 24, the court had observed that Patkar's statements calling Saxena a "coward" and alleging his involvement in hawala transactions were not only defamatory per se but also crafted to incite negative perceptions about him. PTI



MAY 7, 2024

P7

## False rape case: Woman gets jailed for 1,653 days

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**Bareilly:** Additional district court in Bareilly booked a woman under section 195 (giving false or fabricated evidence with intention to procure conviction) of IPC for changing her statement and turning hostile in a confinement and rape case. ADJ Gyanendra Tripathi sentenced her to 1,653 days in jail along with Rs 5.9 lakh cash fine on Saturday evening.

The court said, "Due to survivor/ accused's false statement, an innocent man spent 1,653 days (4 years, 6 months and 8 days) in jail. The government and judiciary ensure strict action in women-related complaints but that doesn't mean that women, who intend to take undue advantage of the law, will be given to impact the rights of the men."

In 2019, Ajay Kumar alias Raghav was allegedly booked for kidnapping and raping his colleague's sister. The girl, then 15 years old, had told po-

lice as well as the court she had been kidnapped and raped by Ajay in Delhi.

Divulging details about the case, additional district government counsel Suneel Pandey told TOI, "Ajay was booked under sections of wrongful confinement, rape and Pooja court on the complaint of the girl's mother. The girl had initially told the court she had been sedated, confined and raped by Ajay. After four years, she changed her statement and told the court that Ajay was innocent. The sessions court booked her under section 195 of IPC. The court had also said the victim had changed the statement in favour of the accused for money."

Pandey further said, "On February 8, she told the court she had given the statement as she was pressured by her mother, who didn't like Ajay due to his proximity to her elder sister. Her husband told the court he had asked to compromise in the case as he was fed up with the case trials and she changed her statement."

THE TIMES OF INDIA  
JUNE 16, 2024

P6

## Porsche crash: Teen's parents, aide sent to 14-day judicial custody

**Pune:** A special court on Friday sent parents of the 17-year-old Porsche Taycan driver and their aide who facilitated contact with doctors at Pune's Sassoon General Hospital to manipulate the teenager's blood alcohol report, in judicial custody for 14 days. The trio was sent to Yerawada Central Jail, reports **Asseem Shaikh**.

Crime branch had arrested the teen's father, a city-based builder, and mother, whose blood sample was swapped with that of her son. Ashfaq Makandar who liaised, on the builder's behalf, with Dr Ajay Taware, the hospital's suspended head of forensic sciences department, through Atul Ghatkamble, a suspended

mortuary staffer, was arrested. Makandar handed over Rs 3 lakh cash to Ghatkamble, police said.

According to police, Dr Shrihari Harnol, the hospital's suspended casualty medical officer, switched the blood samples at Taware's instruction. Police arrested Taware, Harnol and Ghatkamble and recovered Rs 2.5 lakh from Harnol and Rs 50,000 from Ghatkamble. Earlier, ACP (crime) Satish Govekar produced the parents and Makandar before special court following the end of their police remand. Govekar filed a report recommending judicial custody for the parents and a three-day extension of Makandar's police remand. Additional public prosecutor Anil Kumbhar

said Makandar's questioning was essential to identify the place where the conspiracy was hatched, and sought time for police to identify those part of it. The prosecutor said that after the accident, Makandar was present at Yerawada police station, the juvenile justice board office, and Sassoon hospital. Prashant Kulkarni, the lawyer representing Makandar, told the court that his client's questioning was not necessary because he had been in police custody for 10 days. Lawyers Prashant Patil and Abid Mulani appeared on behalf of the teen's parents.

After hearing both sides, special judge UM Mudhalkar sent the trio to judicial custody.

P10

10

## Ex-DGP's son to surrender in Odisha

**New Delhi:** SC on Friday permitted Biti Hotra Mohanti, son of former Odisha DGP and convicted and sentenced to seven years imprisonment for sexually assaulting a German tourist at Alwar in 2006, to surrender at Cuttack in Odisha instead of a jail in Rajasthan. Mohanti had absconded in Nov 2006 while on parole on the ground of his mother's illness and had started living assuming a pseudonym. TNN



P5

THE TIMES OF INDIA, KOLKATA  
WEDNESDAY, JUNE 26, 2024

WES

# Cops rescue trader's son 4 days after abduction

**Taken From  
New Mkt,  
Found In  
Bypass Hotel**

**Dwaipayan Ghosh**  
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**Kolkata:** Police on Monday rescued the son of a Tiljala businessman who had allegedly been abducted from the New Market area on Friday. He was rescued from a hotel in Mukundapur off Bypass.

The abductors had allegedly demanded Rs 12 lakh

from the victim's father as ransom over the telephone. A total of eight persons have been arrested in the case. At least one suspect is still at large. Investigators have reportedly confiscated the vehicle used for the abduction.

Sleuths from Tiljala poli-

**8 ARRESTED**

ce station and anti-rowdy squad (ARS) of the detective department joined hands to rescue the victim, relying on both local sources and technical leads. The incident has led cops to review the manner in which the crime was committed. The opposition political parties have raised questions about the city's sa-

fety. Additional CP (I) Murlidhar Sharma, said the family members of the victim — identified as Mohammad Irfan — contacted police when he didn't return home at night.

The abductors had allegedly threatened to kill Irfan if the ransom wasn't paid. Irfan's father had lodged a complaint with the police. Cops tracked the ransom call's network location to reach the victim.

"The kidnappers had made several ransom calls from various locations in Kasba and Narendrapur areas before finally being traced at a hotel in Mukundapur," cops said. One Gau-

rik Mukhopadhyay alias David and one Vivek Agarwal were the first to be arrested. Later, six others — identified as Ashutosh Roy, Suraj Kumar Singh, Rohit Roy, Md Alquama, Aman Kumar Gupta and Kundan Srivastav — were arrested.

"Prima facie, we have found that the victim used to run a call centre in Narendrapur, whose operations stopped after police raided it. David had given a loan of Rs 16 lakh to the victim, but he was not repaying it claiming that he had no money as the call centre was shut. Hence, David hatched the conspiracy," cops said, adding probe is underway.

P7

## Step-aunt gets 20-year RI for sexually assaulting boy

Pankul Sharma | TNN

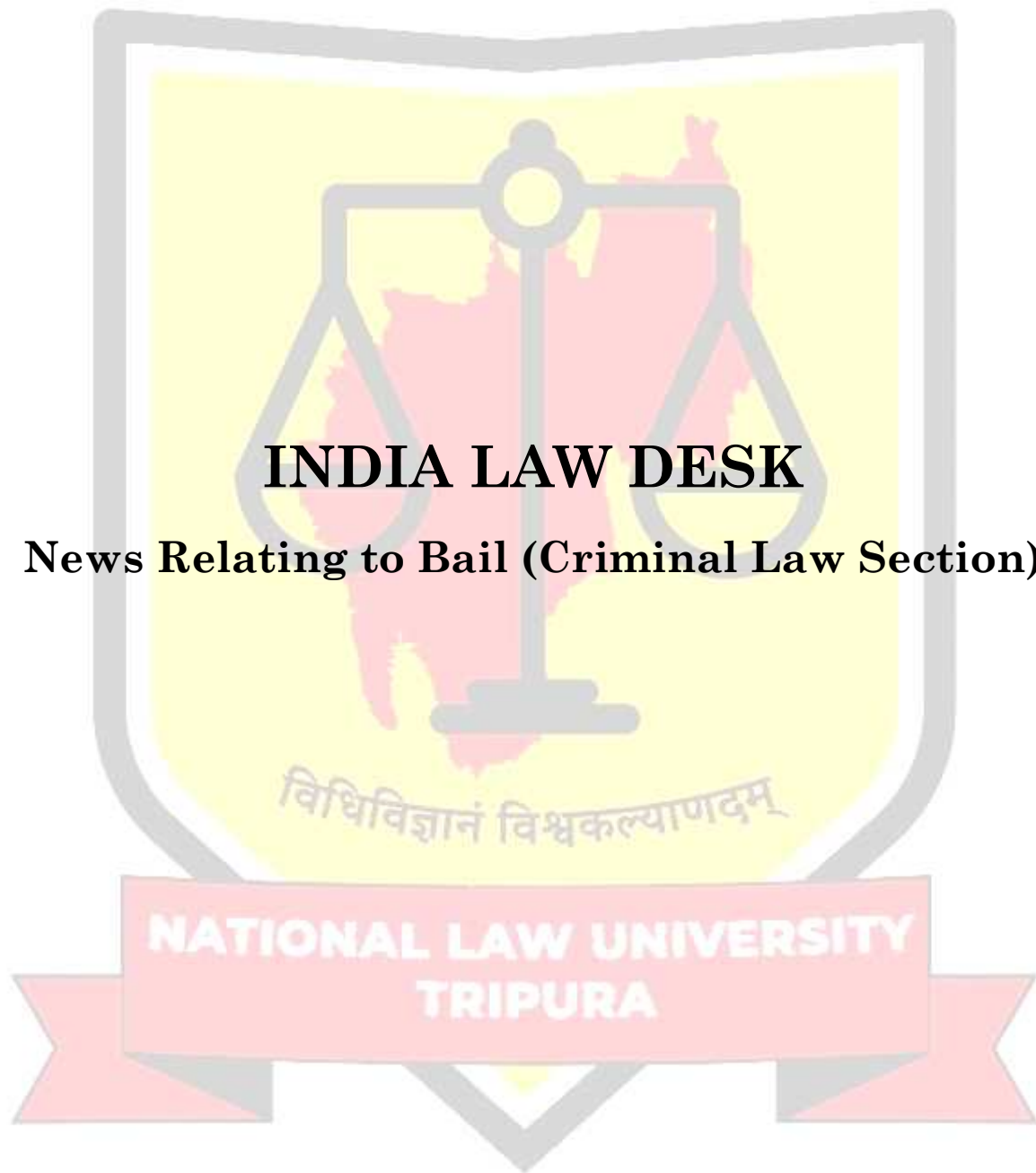
**Dehradun:** A special Pocso Act court in Dehradun sentenced a 30-year-old woman to 20 years of rigorous imprisonment (RI) on Tuesday after finding her guilty of sexually assaulting her 16-year-old step-nephew in 2022.



This conviction under Pocso Act is the first of its kind in Uttarakhand and a rare instance in the country. Prosecution counsel Alpina Thapa said the convicted woman is married with two children and is the survivor's father's step-sister.

"After a physical relationship with her step-nephew for months, she became pregnant and gave birth to a child. On finding out about her pregnancy, the boy's mother filed an FIR under the Pocso Act against her at Vasant Vihar police station in Dehradun on July 5, 2022. At that moment, she was eight months pregnant," Thapa added.

The prosecution presented the forensic scientific lab report which confirmed the boy as the "newborn's biological father" and it cited the findings that it was evident the woman had "developed sexual relations with her minor nephew".





P3

## Damani out of jail after 3 months

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**Kolkata:** Krishna Damani, South Point Trustee, walked out of prison on Wednesday, a day after he got bail from Chief Metropolitan Magistrate. Damani, who spent three months in jail, will have to appear in court on Monday.

The bail has been granted on five conditions — including restriction on entering the South Point School or interfering with any work related to the school or the school society in any manner.

Damani was arrested on Feb 8 for allegedly siphoning off more than Rs 10 crore from

### SCHOOL CASE

the school account. Kolkata Police had filed a charge sheet against him under multiple penal sections, including criminal breach of trust, misappropriation, cheating and falsification of accounts.

On Monday, the Supreme Court expressed anguish over bail being denied by the Calcutta High Court. A vacation bench stated it was "shocking" that such matters were now in the Supreme Court. On Tuesday, his bail was granted at a bond of Rs 5,000.

"The decision comes as a huge relief for Mr Damani who suffered for over three months in custody in a false and frivolous case... purely on account of malice, vendetta and vengeance," a press release issued on behalf of Damani read.

## Sharjeel gets sedition case bail

TIMES NEWS NETWORK

**New Delhi:** Delhi High Court on Wednesday granted statutory bail to JNU scholar Sharjeel Imam in a



2020 Delhi riots case involving allegations of sedition and unlawful activities. He will remain in jail as he has not been granted relief in the larger conspiracy case related to the riots.

In Feb this year, a trial court had denied Imam bail in the sedition and UAPA case against him for allegedly making inflammatory speeches in Aligarh Muslim University and Jamia area in the capital. Imam had challenged the order and sought bail on the ground that he had under-

**The counsel for Sharjeel Imam submitted that he had already undergone four years and seven months of incarceration out of the seven years of maximum imprisonment**

gone half of the maximum sentence of seven years that could be awarded to him, if convicted. A division bench of Justices Suresh Kumar Kait and Manoj Jain allowed the appeal after hearing arguments from Imam's counsel and Delhi Police.

The prosecution opposed the plea on the ground that Imam had not undergone half the sentence. According to the prosecution, the delayed period of pre-trial detention was solely attributable to Imam, on whose instance the trial was stayed in 2022. The counsel for Imam submitted before the bench that he had already

undergone four years and seven months of incarceration out of the seven years of maximum imprisonment. Earlier this year, the trial court had said that "although Imam did not ask anybody to pick up weapons and kill people, his speeches had mobilised the public, which disrupted the city" and might have been the main reason for the outbreak of the riots.

"Through inflammatory speeches, the applicant skilfully manipulated the real facts and incited the public in order to create havoc," additional sessions judge Sameer Bajpai had said in the order.

P8

P1

## Prajwal's anticipatory bail plea rejected

A special court in Bengaluru on Wednesday rejected the anticipatory bail plea of suspended JD(S) leader **Prajwal Revanna**,



who is facing allegations of sexually abusing several women, in a rape case.

The special court for elected representative dismissed the bail application moved by his advocate Arun. According to official sources, Prajwal has booked a return flight ticket to Bengaluru from Munich on May 30, and is expected to land in the city in the small hours of May 31. PTI

2



P-1

## 'Shocking': SC slams Cal HC for denying bail to South Point trustee

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**New Delhi:** Supreme Court on Monday called Calcutta High Court's denial of bail to South Point Education Society trustee Krishna Damani a "shocking state of affairs".

"It is a magistrate-triable case. How can a person be kept in custody? See the counter filed by the state. Should the accused continue to remain in custody for 10 years?" a vacation bench of justices A S Oka and Satish C

Sharma asked.

"It is very surprising that people are not granted bail even in such a case, more so when the charge sheet has already been filed... as if these

### ► Denied bail on May 3, P 2

are some crimes against the nation," the bench said. "Such a situation has arisen only because two powerful private parties are fighting. (It is a) very sorry state of affairs," the bench said, referring to the Birla-Lodha tussle.

The bench ordered cops to

produce SPES trustee Damani before the trial court within a week after imposing appropriate conditions. "This is shocking that such matters are now coming to the SC," it said. The Bengal government counsel pleaded that the SC could expedite the trial instead of granting bail but the bench insisted that not granting bail in such a case was "unheard of".

Senior lawyers A M Singhvi, Mukul Rohatgi and Mahesh Jethmalani appeared for Damani.

## HC denied Damani bail on May 3

Continued from P 1

A Calcutta HC bench of justices Sabyasachi Bhattacharyya and Sugato Majumdar on May 3 had denied bail to Damani saying there was "danger of the accused absconding if released on bail" and referred to "the means, position and standing of

the accused vis-à-vis the prospective witnesses in the case as well as the likelihood of the offence being repeated and evidence being tampered with".

The M P Birla Group, headed by Harsh Vardhan Lodha, had issued a statement that Damani was arrested "in connection with a criminal complaint registered for defalcation of

funds, falsification of documents and misuse of office for personal gains".

"These grave offences appear to have been committed in collusion with others and have been unearthed by a threadbare investigation by the MP Birla Group," it added.

A statement issued by SPES, whose governing council is

presided by Justice Kalpesh S Jhaveri (former Orissa HC Chief Justice), has termed the allegations against Damani "frivolous and false". "The complaint is motivated with intent to defame and harass the trustees of our school and to generally demoralise the management, senior staff, teachers as well as our students," it added.

**SOUTH POINT**

P1

## Porsche teen's bail nixed, in custody till Jun 5

Asseem Shaikh &  
Vishwas Kothari | TNN

**Pune:** Juvenile Justice Board on Wednesday cancelled the bail of the 17-year-old son of a builder involved in Sunday's Porsche Taycan crash while allowing police's application for reviewing the board's earlier order on Sunday to set him free.

Police had sought cancellation of bail arguing he should be tried as an adult for drink driving and smashing his car into a two-wheeler at 160kmph, leading to the death of two techies. JJB sent the juvenile to an observation home till June 5.

► Bail conditions... P 4



## Bail conditions such as writing 300-word essay sparked outrage

►Continued from P 1

The order came a day after Maharashtra deputy CM Devendra Fadnavis expressed "shock and surprise" over the board releasing the teen on bail conditions such as writing a 300-word essay on accidents, visiting the RTO to study traffic rules, and assist RTO officers for 15 days.

The JJB's order had led to a countrywide outrage amid charges of favouritism levelled by the opposition.

Additional commissioner of police Manoj Patil said after the JJB's order, a committee will now be set up under Section 15 of Juvenile Justice (Care and Protection) Act to monitor the teenager

at the observation home and carry out psychological tests and counselling. Section 15 empowers JJB to conduct a preliminary inquiry to determine whether a child in conflict with law is to be sent for rehabilitation or be tried as an adult. "Based on this committee's report, a call will be taken on whether the teenager is to be treated as an adult for trial," Patil said.

Special assistant public prosecutor Monali Kale told TOI that police had primarily argued that the teenager needed proper rehabilitation as he was addicted to alcohol. "He is young, and considering his future, he can be referred to a psychiatrist for counselling as and when required."

P1

## Soren drops bail plea after SC frowns on it

Supreme Court on Wednesday declined to entertain Jharkhand's former CM **Hemant Soren's**



petition challenging the validity of his arrest by ED in a money laundering

case related to alleged illegal acquisition of 8.8 acres in Ranchi, reports **Dhananjay Mahapatra**. A vacation

bench of justices Dipankar Datta and SC Sharma critiqued Soren for suppressing from SC that the trial court had taken cognizance of the charges against him and his bail plea had been dismissed. Soren's lawyer Kapil Sibal was allowed to withdraw the plea.

## No bail for boy who made obscene videos of girl, 14

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**New Delhi:** Making an exception to the norm that children in conflict with law should be granted bail irrespective of seriousness of the crime, Supreme Court denied bail to a Uttarakhand school student accused of circulating obscene videos of his classmate, a 14-year-old girl, which allegedly drove her to suicide.

On Jan 10 this year, Juvenile Justice Board (JJB), Haridwar, had rejected the bail plea of the 'child in conflict with law', who had been booked under Sections 305 and 509 of IPC and Sections 13 and 14 of PoCSO Act.

After JJB's decision was upheld by Uttarakhand HC, the boy through his mother moved SC seeking bail. Senior advocate Lok Pal Singh argued that his parents were ready to take care of him. He

appealed that the young child should not be kept in a reform home and that his custody be given to his mother. But the apex court bench of Justices Bela M Trivedi and Pankaj Mithal on Monday examined the HC judgment and said it was right in declining bail to the juvenile. While dismissing the boy's appeal, the SC bench said, "After carefully perusing the material placed on record, we are not inclined to interfere

with the impugned order passed by the high court at this stage." The girl had gone missing from her residence on Oct 22 last year and her body was later recovered. Her father lodged a police complaint alleging that the boy had shot obscene videos of her and circulated the clips among students. Fearing ignominy, she took her own life, the father said.

► 'Bad company', P 14

P1



## 'Boy undisciplined, keeps bad company'

► Continued from P 1

Justice Ravindra Maithani of Uttarakhand High Court on April 1 had given a reasoned order declining bail to the juvenile.

He said, "For a child in conflict with law (CIL), every offence is bailable and such CIL is entitled to bail irrespective of the offence being classified as bailable or non-bailable."

However, he added, "Bail may be denied if there are reasonable grounds for believing that his release is likely to bring the 'child in conflict with law' into the association of any known criminal, expose him to moral, physical, or psychological danger, or if his release would defeat the

ends of justice."

Perusing the social investigation report about the juvenile in the case in hand, High Court said he is an undisciplined child keeping bad company and that he required strict disciplining.

The report also stated that on release, there could be further untoward incidents involving him.

"Having considered the social investigation report, the medical examination report, the report from the school, this court is of the view that the best interest of the child would be served if he is not granted bail. If he is released on bail, it would definitely defeat the ends of justice," Justice Maithani had said while rejecting his bail.

P14

14

# HC: Prima facie launder case against Sisodia

## Denies Bail, Says Excise Policy Process Scuttled

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**New Delhi:** Delhi High Court dismissed Manish Sisodia's bail pleas on Tuesday, saying the prosecution made out a "prima facie case" of money laundering against the former deputy CM in the excise policy case. It can't be ruled out that Sisodia, if released on bail, may influence witnesses and tamper with evidence as he is "an influential person in the power corridors of Delhi govt", the court added.

Dismissing the AAP leader's bail petition in cases lodged by ED and CBI, Justice Swarana Kanta Sharma said, "The case at hand is a grave misuse of power and breach of public trust by the applicant who was serving as deputy CM of Delhi at the relevant point." The court pointed out that the material collected during investi-

### 'MISUSE OF POWER, BREACH OF TRUST'

What Justice Swarana Sharma said, dismissing bail plea:

- > Case involves grave misuse of power and breach of public trust by Manish Sisodia who was serving as deputy CM and held 18 portfolios, says Justice Swarana Kanta Sharma
- > ED material shows he subverted process of making excise policy by fabricating public feedback. Bid to benefit select few for advance kickbacks



- > Failed to produce his two mobile phones — possibility of tampering with evidence on bail can't be ruled out. Might also influence witnesses, many of whom are public servants
- > No delay by trial court, or prosecution. Not fault of ED, CBI & trial court that there is voluminous record of investigation
- > Accused insisting on physical inspection of thousands of documents

gation showed that Sisodia "subverted" process of making the policy by "fabricating" public feedback to suit his "predetermined goal".

HC said pre-drafted emails with specific suggestions aligning with his own interest were sent to the designated feedback email address of the excise department "under the guise of public feedback or opinion by individuals who were instructed to do so by the applicant Manish Sisodia himself".

Justice Sharma termed it a "deceptive act that was a calculated move to create an illusion that the excise policy was formed after careful

consideration of feedback received from the public...but in reality, the feedback was manufactured to justify the applicant's decision to formulate excise policy in defiance of the expert committee report".

HC said the alleged corruption in this case "originated from Sisodia's desire" to create a liberal policy that would benefit select individuals in return for a substantial amount as advance kickbacks. Justice Sharma read out a few portions of the verdict and noted that Sisodia's plea doesn't pass the "triple test" for bail under the PMLA.

P1

### SC cancels bail given by Madras HC to 8 PFI members in UAPA case

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**New Delhi:** Observing that national security was of paramount importance and reasonable restrictions could be imposed on civil liberties of persons under UAPA in the interest of the country's sovereignty and integrity, SC on Wednesday cancelled the bail granted by Madras High Court to eight PFI members and directed them to go back to jail.

A bench of justices Bela M Trivedi and Pankaj Mithal said HC committed gross error in not considering the evidence in its proper perspective and in recording a perverse finding to the effect that there was no material to suggest the commission of any offence.



P1  
9 days on, MLA  
Revanna gets bail  
in kidnapping case

JD(S) MLA from Holenarasipura HD Revanna, arrested nine days ago on charges of kidnapping a woman in Mandya district's KR Nagar, was granted conditional bail on Monday by a special court for elected representatives in Bengaluru. He walked out of Bengaluru central prison on Tuesday. Revanna, son of former PM HD Deve Gowda, is the first member of the former PM's family to be arrested in a criminal case and lodged in prison.

### Revanna gets interim bail in harassment case

A court in Bengaluru on Thursday granted interim bail to JD(S) MLA and former Karnataka minister

**HD Revanna** in a sexual harassment case.



The case of sexual harassment of a 47-year-old house help was regis-

tered against Revanna and his son and MP Prajwal Revanna at the Holenarsipur town police station in Hassan district on April 28. Prajwal reportedly left for Germany on April 27 and is still at large. PTI

P-1

# 21-day bail for Kejriwal, but Del CM cannot attend office

## Can Campaign For Remaining LS Poll Phases

**New Delhi:** In a big relief to embattled Delhi chief minister Arvind Kejriwal, the Supreme Court on Friday granted him interim bail in a money laundering case at the peak of the election season but barred him from visiting his office or the Delhi secretariat and signing official files unless absolutely necessary for obtaining the lieutenant governor's approval.

Setting him free for 21 days to campaign for the remaining phases of the Lok Sabha elections after 50 days of custody in the money laundering case linked to the alleged Delhi excise scam, the court said he shall surrender on June 2, a day after the last phase of the seven-phase poll gets over.

The fourth phase of polling will be held on May 13. A wave of jubilation swept across the



Delhi CM Arvind Kejriwal addresses party workers after being released from Tihar jail in New Delhi on Friday

INDIA bloc parties as the news spread like wildfire, with his AAP terming it a "triumph of truth". "Truth can be troubled but not defeated. The decision of the Hon'ble Supreme Court is welcome. The dictatorship will end. Satyamev jayate," AAP Rajya Sabha MP Sanjay Singh, also an accused in the money laundering case, said in a post in Hindi on X.

Kejriwal's release from

jail, however transient, is expected to give a boost to the AAP's Lok Sabha campaign in Delhi where polling is scheduled for May 25, with its foremost leader hitting the hustings.

While imposing a string of bail conditions on Kejriwal, the apex court directed him to furnish bail bonds of Rs 50,000 with one surety of the like amount to the satisfaction of

the jail superintendent.

A bench of justices Sanjiv Khanna and Dipankar Datta rejected the vehement argument of the Enforcement Directorate (ED) counsel that enlarging Kejriwal on interim bail to campaign in the elections will be without a precedent. The court did not concur with his contention that interim bail to the AAP national convener for campaigning would be like giving "premium of placing the politicians in a beneficial position compared to ordinary citizens of this country".

"While examining the question of grant of interim bail/release, the courts always take into consideration the peculiarities associated with the person in question and the surrounding circumstances. In fact, to ignore the same would be iniquitous and wrong," the bench said, adding that the Lok Sabha elections are the "most significant and an important event this year". PTI

► 'Not a threat', P 5



p-5

## SC: Kejriwal not convicted yet, is not a threat to society

► Continued from P 1

The bench said no doubt, serious accusations have been made, but Kejriwal has not been convicted yet, does not have any criminal antecedents and is "not a threat to the society".

It noted that the legality and validity of his arrest itself was under challenge before the top court which is yet to finally pronounce its verdict on it. "The factual situation cannot be compared with harvesting of crops or plea to look after business affairs. In this background, once the matter is subjudice and the questions relating to legality of arrest are under consideration, a more holistic and libertarian view is justified, in the background that the 18th Lok Sabha General Elections are being held," the bench said.

Ruling that Kejriwal's case is "not an exception", the bench said power to grant interim bail is commonly exercised in a number of cases and interim bail is granted keeping in mind the facts of each case. "Kejriwal will be released on interim bail in connection with case...till June 1, 2024, he will surrender on June 2, 2024 on the following terms and conditions..." the bench said, adding, "he shall not visit the office of the CM and the Delhi secretariat".

Kejriwal will not make any comment with regard to his role in the case and will not interact with any of the witnesses or have access to any official files connected with the case, the bench directed. PTI

MAY 7, 2024

## Court grants bail to 3 in PMLA case against Vivo

**New Delhi:** A Delhi court granted bail to three accused in an ED money laundering case against Chinese phone company Vivo.

Additional sessions judge Kiran Gupta granted the relief to Bhupinder Kaur, Gagandeep Singh, and Weigang Wang saying there were no allegations that they did not co-operate during the investigation. The three were not arrested, either. The three had appeared before the court in pursuance of summons to take cognizance of an ED chargesheet in the case.

Wang's advocate PK Dubey, told the court that the investigation was already complete and no purpose would be served by sending the accused to judicial custody. ED opposed the bail applications saying the accused could flee and the allegations against them were serious. TNN

18

## Keeping live location on by accused can't be bail condition, says SC

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**New Delhi:** Terming the bail condition imposed on an accused to keep his Google location live round the clock and share it with an law enforcement agency so that it could track his whereabouts "superfluous", Supreme Court on Monday said such a condition should not be imposed by courts. Many courts, including SC, have imposed such a condition in the recent past.

Going by an affidavit filed by Google, a bench of Justices Abhay S Oka and Ujjal Bhuyan said as per the company, it was not possible for others to keep track of a person. "In view of the affidavit, the condition is superfluous. this cannot be imposed as a condition for grant of bail," the bench said.

The advocate appearing for Google told SC that location sharing wouldn't serve the purpose of tracking the whereabouts of an accused. He said a person could share

the location of his house when he might not be there.

Additional solicitor general Vikramjit Banerjee, appearing for the Centre, said many courts, including the SC, were imposing such a condition. "It cannot be a bail condition. We agree that there are two instances where this court has done it,



but it cannot be a condition for bail," the bench said and reserved its order on this aspect. SC had recently imposed this condition while

granting bail to Shoma Sen in the Elgar Parishad case.

The court had agreed to look into the working of Google location to decide whether an accused could be forced to share his live location through phone with the police as a condition to get bail. The court had sought response from ED, which supported the condition imposed by Delhi HC on an accused in a money laundering case. The SC was hearing an appeal filed by ED against grant of bail to the accused.



THE TIMES OF INDIA  
JUNE 8, 2024

P5

## Karti gets bail in Chinese visa launder case

**New Delhi:** A Delhi court on Thursday granted regular bail to Congress MP **Karti Chidambaram** in the money laundering case related to the Chinese visa 'scam' case.



The court of Special Judge Kaveri Baweja granted bail to Chidambaram, on a personal bond of Rs 1 lakh and a surety of the amount, after he appeared in court pursuant to the summons issued against him.

The court also granted bail to the other accused — S Bhaskararaman, Padam Dugar, Vikas Makharia and Mansoor Siddiqui. The court said if the accused intends to travel abroad, he would have to inform the court and the investigation officer and ensure his travel does not hamper the progress of the trial. TNN

THE TIMES OF INDIA  
JUNE 19, 2024

PS

### Rapist gets bail for 16 days to marry survivor

**Bengaluru:** Karnataka High Court has granted bail for 16 days to a 23-year-old man arrested under Pocso Act, allowing him to marry an 18-year-old girl he has been accused of raping and with whom he fathered a child when she was a minor.

Treating it as a "peculiar" case, Justice M Nagaprasanna has directed authorities to release the petitioner from Mysuru city jail on June 17 so that the couple gets married and their one-year-old child doesn't "suffer ignominy of any kind".

The accused will return to prison on July 3. "The certificate of evidence of marriage should be placed before the court on the next date of hearing (July 4).

The court explained that "to protect the interest of the child and also the responsibility of the mother in bringing up the child, this direction is found necessary". The girl was 16 years and nine months when her mother registered a case against him. She had delivered a girl already. Observing that the girl is now 18 and DNA test confirmed that both she and the accused are the child's biological parents, the court granted the petitioner interim bail. The court is expected to take up the petition for further hearing after the accused returns to jail. TNN

TIMES OF INDIA

JUNE 23, 2024

P8

## SC gives 2-wk interim bail to Elgar case accused

**New Delhi:** Supreme Court on Friday granted interim bail for two weeks to accused Mahesh Raut in Elgar Parishad case to attend ceremonies related to the

last rites of his grandmother who died recently.

A bench of justices Vikram Nath and S V N Bhatti directed that Raut be released from prison on June

26 and remain on bail till July 10.

The Supreme Court left it for the trial court to pass an order on bail conditions to be imposed. TNN



P6

## ED may move SC seeking stay on Soren's bail

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**New Delhi:** Enforcement Directorate is likely to move Supreme Court seeking stay on the single bench order of Jharkhand HC giving bail to former CM Hemant Soren last week in a land grab and money laundering case. Soren was arrested on January 31.

Soren was released from Birsa Munda jail on Friday after Justice Rongon Mukhopadhyay rejected ED's arguments and evidence alleging that the former CM was directly involved in the land grab case. Sources said ED will appeal against this order in the apex court as a trial court had already taken cognisance of a chargesheet filed against Soren. The CM's bail application was rejected by the SC on May 22, when the apex court had observed that since a trial court had already taken cognisance of the chargesheet against him and rejected his application for regular bail, Soren should not have approached it for interim bail. Soren's challenge to his arrest was also rejected by Jharkhand HC on May 3, after which he had approached the SC.

81  
**Accused entitled  
to bail if trial slow,  
irrespective of  
nature of crime: SC**

**New Delhi:** SC on Wednesday said every accused has a fundamental right to speedy trial irrespective of the seriousness of the crime alleged against him and an inordinate delay in trial even in such cases would entitle them to bail, **reports Dhananjay Mahapatra.**

The court recorded this in its order granting bail to one Javed Gulam Nabi Shaikh, who was arrested by Mumbai Police outside Sahar airport on Feb 9, 2020, with fake currency amounting to Rs 21 lakh allegedly being recovered from him. The case was later transferred to NIA. However, SC found that though a chargesheet had been filed by NIA, the trial court was yet to frame charges.

► 'Law doesn't...', P 5

P5

## 'Law doesn't absolve NIA from facilitating speedy trial'

► Continued from P 1

The case was handed to NIA after it was found that Shaikh, who while in Dubai was allegedly given the counterfeit notes printed in Pakistan, was asked to deliver the fake currency to certain persons for circulation in India. Rejecting NIA counsel's request for time to file a response to Shaikh's bail plea,

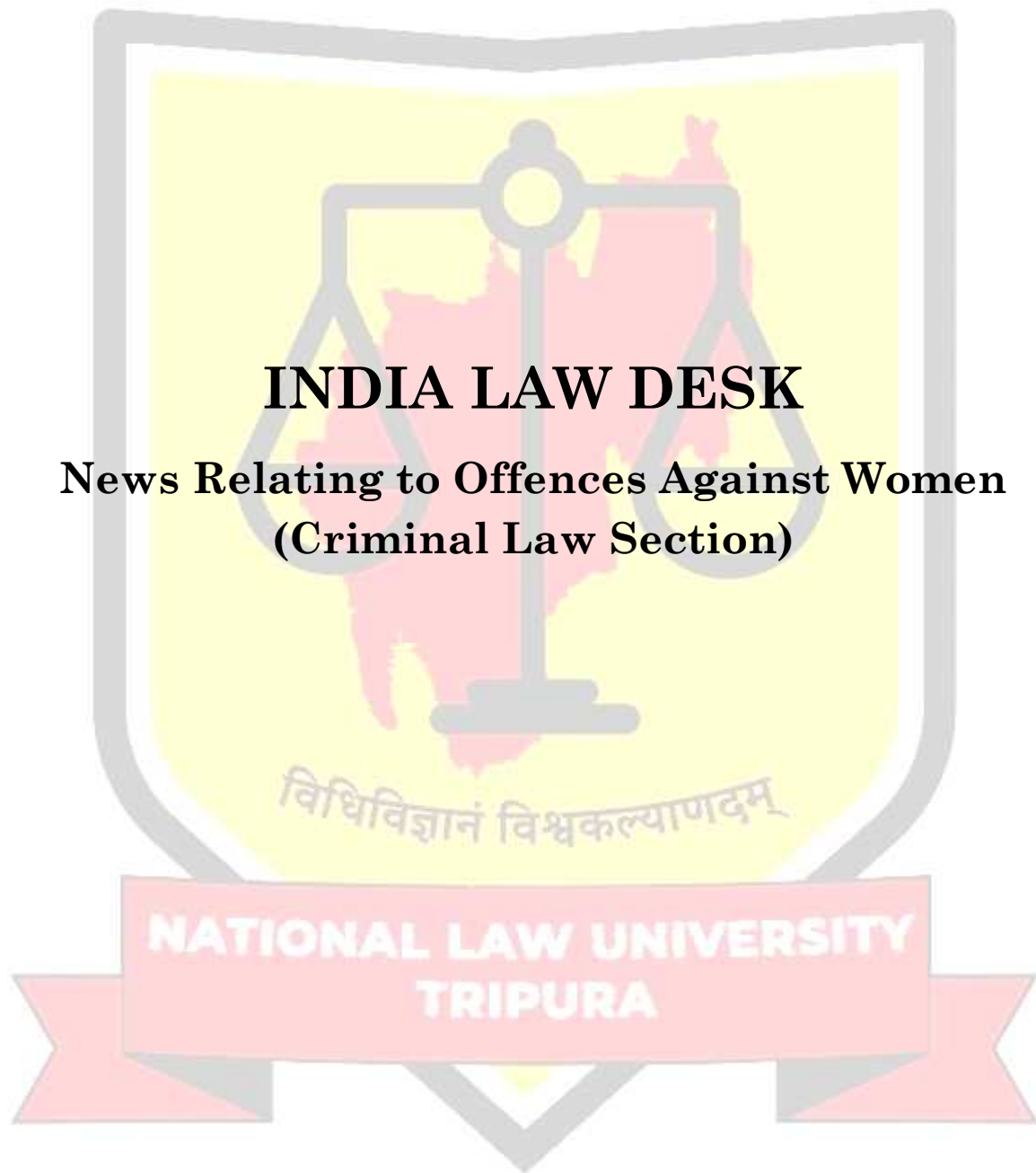
the bench said, "You are NIA but the law does not absolve you from facilitating speedy trial to the accused, who has been in jail for the last four years. The charges are not yet framed and the prosecution intends to examine as many as 80 witnesses."

While wondering as to when such a large number of witnesses would be examined and trial be completed, the va-

cation bench decided to grant bail, and said, "The manner in which the prosecuting agency and the trial court proceeded, the accused person's right to speedy trial stands breached." The bench set aside the Bombay HC order declining bail and ordered Shaikh's release. However, it asked the accused not to leave the city of Mumbai and report to the NIA office once every week.

2





p5

## 11 yrs after woman's rape-murder & hubby's wrongful arrest, ex-banker and 2 aides held

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**Bengaluru:** Eleven years after a 43-year-old woman was murdered and her husband wrongly arrested for the crime before being released for lack of evidence, three men, including a former manager of Canara Bank, have been arrested for gang-raping and killing her. Prime accused and former bank manager Narasimha Murthy (65), his associates De-

pak C (38) and Hariprasad (45) are in judicial custody. A chargesheet was filed against them on Thursday.

The woman's body was found on Feb 15, 2013. Her husband had earlier filed a missing person complaint. Then inspector M Paramesh arrested the husband on May 18, 2015. He was released on bail after 73 days in judicial custody. He approached Karnataka HC in Sept 2015 seeking a CID investigation. DGP (CID) MA

Saleem said: "We discovered the mobile number of a person, an associate of a family friend, had been present where the body was found. Also, an eyewitness, helped us find a new angle. First, we picked up the man who was present near the body. As he spilled the beans, a horrifying case of rape and murder unfolded." As the body was decomposed, the autopsy didn't reveal gang rape, CID sources explained.

P14

## Brij Bhushan charged in sexual harassment case, pleads not guilty

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**New Delhi:** A Delhi court on Tuesday formally charged BJP MP **Brij Bhushan Sharan Singh**, former chief of the Wrestling Federation of India, with sexual harassment, intimidation and outraging the modesty of women in the case related to women wrestlers. Singh pleaded not guilty to these charges.

When court of additional chief metropolitan magistrate Priyanka Rajpoot asked Singh whether he accepted his mistake and pleaded guilty, Singh replied, "*Iska koi sawaal hi nahi. Galti kiya hi nahi* (No question of pleading guilty. I haven't done anything wrong)."

Co-accused Vinod Tomar, former WFI assistant secretary, also pleaded not guilty to the same offences. As a result of the two accused denying they had engaged in criminal activity, the matter will go to trial. On May 10, a Delhi court ordered framing of charges of sexual harassment and outraging the modesty of women against Singh after five

women wrestlers accused him of various incidents of harassment.

The court said that there was sufficient material on record to frame charges against Singh for offences punishable under IPC sections 354 (outraging modesty of a woman) and 354A (sexual harassment). The court also stated that there was sufficient material on record to frame charges against Singh for the

offence punishable under IPC Section 506(1) for criminal intimidation in respect of two women wrestlers.

"By viewing these individual acts/offences through the lens of a continuing violation law, it is evident that the acts of accused no. 1 (Singh) reflect a systematic and recurring pattern," the court said in a 125-page order.

"These are not isolated incidents but collectively form a continuing offence, demonstrating both the egregiousness and ongoing nature of the violations of sections 354 and 354A of IPC." The court also charged co-accused Tomar with the offence of criminal intimidation.





P2

## JU girl's harass plot against classmate

Dwaipayan Ghosh  
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**Kolkata:** A first-year UG student from Jadavpur University has lodged a police complaint claiming that a classmate and another man were harassing her and demanding sexual favours. The complaint was lodged through email last week.

The cops have contacted the girl and have started a primary inquiry.

According to the complainant, this was her second complaint against the JU student, the first one registered on April 10. "We had met in Aug 2023 and were in a relationship for over three months. But when he began abusing me in public, I lodged a police complaint against him," she said.

However, she claimed the accused continued the constant abuse and harassment. The accused also contacted a man from Minakhan, with

whom the complainant had been in a relationship earlier.

"The JU student contacted him through social media to get access to intimate and personal details about me. Together, they started blackmailing and harassing me, saying that they will leak personal pictures and videos of me on public platforms and to my family members in order to harm my reputation," the girl alleged.

**'THREATENED TO  
LEAK MY PICS'**

She added that the accused from Minakhan also asked for sexual favours to stop the harassment.

"When I refused, he kept blackmailing me. The JU student repeatedly aided him in these activities... I constantly fear for my personal and social security. I am scared and am pleading for necessary intervention by police," the complainant said.

DC (Jadavpur) Bidisha Kalita said they were helping the complainant.

P7.

## Bid to force 2 into sex trade, woman held

**New Delhi:** Two women, aged 22 and 29, were prevented from falling prey to nefarious intentions of human traffickers in southwest Delhi's Sagarpur. The women, lured by the promise of jobs, were being forced into joining the prostitution racket.

On Wednesday, police received information about a girl who was in trouble. A team reached Sagarpur where they met the 22-year-old woman. Later, they discovered the other

woman at the same location. When questioned, the 22-year-old woman revealed that she was from Agra and had recently come to Delhi to find any work. She met a woman, Rajni, here who asked her to contact one person named Sonu who would "help her find a job".

"She went to Dashrathpuri where she met Rajni and Sonu. They coerced her and attempted to involve her in prostitution," an officer said. TNN



MAY 10, 2024

P1

## Forced to file rape complaint, says Sandeshkhali woman

**Goes To Police, Says Ostracised And Threatened**


Sanjib Chakraborty | TNN

**Sandeshkhali:** One of the three Sandeshkhali women who lodged rape complaints with cops said on Wednesday that she had not faced any sexual assault and local BJP functionaries had forced her to sign on a blank piece of paper and coerced her to go to the police station to file a rape complaint. The woman lodged a separate complaint at Sandeshkhali police station and later told the media that she was facing threats and being ostracised because she wanted to withdraw the rape complaint.

The woman alleged that a local BJP Mahila Morcha functionary, Piyali Das, and other BJP members had visited her home and asked her to sign on the blank piece of paper. "They asked for my signa-

 BJP's Piyali Das and others came to my house and asked me to sign on a blank paper on the pretext of enlisting my name for PM Awas Yojana. Later, they forcibly took me to police station to lodge sexual abuse complaint after they wrote out the complaint on the blank paper. There was no sexual assault on me inside the TMC office

**Sandeshkhali complainant**

 She is the wife of a Trinamool booth president. She is deliberately lying on the instruction of Trinamool netas to take advantage during the Lok Sabha polls

**Piyali Das of BJP Mahila Morcha**

ture on the pretext of enlisting my name for Pradhan Mantri Awas Yojana. Later, they forcibly took me to the police station to lodge a complaint of sexual abuse after they wrote out the complaint themselves on the blank paper. There was no sexual assault on me inside the Trinamool office. I was also never forced to go to the party office late at night," she said.

The woman alleged she and her family members were facing social boycott, engineered by local BJP functionaries. "They threatened us with dire consequences if I dared

to step out to withdraw the complaint. We are feeling unsafe and I have sought police help," she said.

Piyali Das, however, rubbished the allegations and claimed the woman was the wife of a TMC booth president and was being guided by party seniors. "She is deliberately lying on the instruction of Trinamool netas to take advantage during the Lok Sabha polls. She and other women villagers had themselves narrated their plight to NCW chairperson Rekha Sharma.

► 'Shocking...', P 7

## Don't depend on rain god: SC on forest fires

Supreme Court told the Uttarakhand govt "cloud seeding or depending on rain god is not the answer" to the raging forest fires and authorities will have to take preventive measures. The state informed the apex court about steps taken to control the forest fires and said "only around 0.1 % of wildlife cover was on fire". It said, "All the fires were man-made, resulting in 350 cases and 62 individuals being named."

P7



## Court: Sufficient material to charge BBSS with sexual harassment

Vineet Upadhyay  
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**New Delhi:** A Delhi court on Friday ordered framing of charges under sexual harassment and outraging modesty of women against former Wrestling Federation of India chief **Brij Bhushan Sharan Singh** for allegedly harassing five wrestlers.



The court stated that there was sufficient material to frame charges against Singh. It, however, discharged him in the allegations levelled by victim number six. Reacting to the order, Singh said he would consult his lawyers and take a decision on whether to appeal against it before a higher court or challenge it before the court of additional chief metropolitan magistrate Priyanka Rajpoot.

"I welcome this decision of the judiciary. I had protested against the framing of charges but I did that within certain limits but now I have various options open to me... I am not hurt, I was prepared for it. If the case continues, I will get an opportunity to present my side," Singh told PTI.

The next hearing is on May 21, when the court will formally frame the charges.

Brij Bhushan will be apprised of the charges against him and will then inform the court whether he will plead guilty or be tried on these charges.

► Court nod, P 16

C M K

P16

## **Court nod for charges against Brij Bhushan**

► Continued from P 1

The court said that there is also sufficient material on record to frame charges against Brij Bhushan Sharan Singh under IPC Section 506(1) (criminal intimidation) with respect to two wrestlers. He has not been charged under Section 354D (Stalking).

The court also charged co-accused Vinod Tomar, former WFI assistant secretary, with criminal intimidation of one victim. Delhi Police had filed its chargesheet against Brij Bhushan in June last year.

P3

## Teen raped, killed in nursing home

Sanjib Chakraborty | TNN

**Kolkata:** A 14-year-old girl working in a nursing home in Barasat was found dead on the building's terrace on Thursday. Cops suspect she was raped before being strangled to death. The owner of the nursing home, Abdur Razzak Mondal (55), and an employee, Abdul Motaleb (41) were arrested for the alleged rape and murder on Saturday. The duo was produced in a Barasat court and remanded in police custody for seven days.

On Thursday, another nursing home employee had discovered the girl's body and raised an alarm. The girl's family lodged a complaint, based on which the duo was nabbed.

Locals said the girl was a class VIII student from Darganga's Basudebpur. She belonged to a poor family and used to stay at Mondal's house to finance her studies by working part time in the nursing home.

The girl's kin and locals agitated in front of the nursing home demanding strict action against the accused. "Preliminary investigations revealed she was murdered because she might have known her assailants," Barasat SP Pratiksha Jharkharia told TOI.

Some local residents said Mondal had earlier been accused of committing sexual offences on minor girls employed in his nursing home.

**TWO ARRESTED**



# Molestation complaint: Cops ask 6 more Raj Bhavan employees to join probe

## Police: Staffers Identified From CCTV Footage

Dwaipayan Ghosh  
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**Kolkata:** Kolkata Police has summoned six more Raj Bhavan employees to Hare Street police station in connection with the molestation complaint lodged by a woman staffer in Raj Bhavan (who has since quit her job).

On May 2, the woman had complained to cops that she had been molested by governor C V Ananda Bose. She alleged that it was the second time since April 24 that the governor had molested her.

"These six persons who has now been called to Hare Street police station include a woman. They have all

### INVESTIGATION SO FAR

- > Raj Bhavan CCTV footage with the state PWD has been accessed by police
- > The cops have already spoken to a Raj Bhavan chef
- > The police personnel posted at the Raj Bhavan outpost have already testified
- > After the CCTV footage was accessed, police had summoned the Raj Bhavan special secretary, a Raj Bhavan doctor and the complainant's supervisor



- > Fresh summonses have been issued to six others
- > Till now no Raj Bhavan staffer has responded to police summonses

been identified from the CCTV footage provided to us by PWD (that maintains CCTVs at Raj Bhavan) as being present near the woman on the days when the alleged incidents took place. Earlier, we had asked the special secretary, a doctor and supervisor to join the probe," claimed a highly placed

police source.

This takes the total number of those asked to join investigations to nine, said Lalbazar. All of them have been asked to report at the Hare Street police station on Monday.

So far, the statement of a Raj Bhavan chef has been found to be of crucial value, stated sources.

cial value, stated sources.

Bose, after banning cops and state finance minister Chandrima Bhattacharya from Raj Bhavan, issued a gag order to Raj Bhavan staffers and told them to ignore cop summons for any probe. Last Thursday, the Raj Bhavan had released a CCTV footage that showed the woman complainant leaving the premises on May 2 evening after spending some time at the Raj Bhavan police outpost. The woman had responded to the CCTV footage saying it was released without her consent and it was another crime that Bose had committed against her. There are around 40 CCTV cameras installed on the Raj Bhavan premises. The Special Enquiry Team that has been set up would probe "an incident" and the probe is not "aimed against any individual", a senior official said.

Governor C V Ananda Bose did not react to Sunday's developments till the evening.



P1

## Cops get footage from PWD, call 3 Raj Bhavan officials

Dwaipayan Ghosh &  
Tamaghna Banerjee | TNN

### SPL SECY AMONG THOSE SUMMONED

**Kolkata:** Hare Street cops have summoned three Raj Bhavan officials for questioning after getting CCTV footage from Raj Bhavan's PWD wing that, officials say, corroborates the sequence of events the molestation complainant narrated to police on May 2.

A young Raj Bhavan woman staffer (who has since quit her job) complained to cops on May 2 that she had been molested by governor C V Ananda Bose; she added that it was the second time the governor had molested her.

Bose, after banning cops and state finance minister Chandrima Bhattacharya from Raj Bhavan, had issued a gag order to Raj Bhavan staffers and told them to ignore cop summons for any probe. On Thursday he released CCTV footage that showed the complainant leaving the Raj Bhavan premises on May 2 evening after spending some time at the Raj Bhavan police outpost. The woman responded to the CCTV footage, saying it was released witho-

> **May 2** | Raj Bhavan staffer files molestation complaint against governor C V Ananda Bose. Raj Bhavan says charges false and politically motivated, bans entry of cops and minister Chandrima Bhattacharya

> **May 3** | Bose leaves for Kochi. Police forms special probe team

> **May 5** | Bose cites constitutional immunity

from criminal proceedings. Issues gag order on Raj Bhavan staff, asks them to "ignore" cops' summons

> **May 9** | Bose shows CCTV footage of Raj Bhavan gates to private citizens but refuses to give it to cops

> **May 10** | Cops get footage from PWD office, summon 3 Raj Bhavan officials, including the special secretary

ut her consent and it was another crime that Bose had committed against her. Minister Bhattacharya and Trinamool said the footage did not establish anything at all.

Senior officials on Friday spoke against this backdrop and said they had got the CCTV footage from Raj Bhavan's PWD office. It appeared to corroborate the sequence of events and the time period the woman had mentioned to cops on May 2.

The footage shows her coming out of the Raj Bhavan special secretary's office, where she met this official

and a doctor (according to her version). She went to the Raj Bhavan police outpost after this and then left for Hare Street police station, escorted by cops. Officials on Friday said they had called the Raj Bhavan special secretary, the doctor and the supervisor (the complainant's immediate senior) for questioning.

Another Raj Bhavan employee has also spoken to cops, say officials. The enquiry was to probe "an incident" and not "aimed against any individual", a senior official added.

► **Abhishek dare, P 11**

# Woman's cry for justice after gov issues gag order

Tamaghna Banerjee & Poulami Roy Banerjee | TNN

Kolkata: Bengal governor C V Ananda Bose, whom a woman has accused of sexual



assault, on Sunday cited his constitutional immunity from criminal proceedings and issued a blanket gag order on Raj Bhavan staff, asking them to "ignore any communication from police" and barring them from issuing statements in any form, online or offline. This prompted the survivor to question why he was "hiding behind a shield of immunity", why he was "so scared" and not allowing the investigation to proceed.

Sunday's gag order, which Bose posted on his official X handle, restrains Raj Bhavan staff from "giving any statement online, offline, in person, over the phone or in any

Police cannot investigate/inquire into the matter, in any manner, whatsoever.... in view of the immunity enjoyed by the governor, the police are constitutionally barred from carrying out any kind of preliminary inquiry, registering an FIR — **RAJ BHAVAN**

other matter", apart from asking them specifically to ignore the police, who have set up a special enquiry team.

The governor's order comes three days after he was accused of sexual assault on Thursday, and two days after he left for Kochi.

The alleged survivor texted her message to **TOI** after the Raj Bhavan gag order, parts of which we are reproducing here: "I have already proposed to sit in front of him to face any test. May it be Lie

If he is that innocent, why he is escaping?... He is guilty of molesting me, twice. The truth will remain truth irrespective of whatever people think of me.... Sir has got the courage to molest a very ordinary lady, twice, from that immunity — **SURVIVOR**

Detector or any superior technology. If he is that innocent, why he is escaping?... He is guilty of molesting me, twice. The truth will remain truth irrespective of whatever people think of me. The point is that Sir has got the courage to molest a very ordinary lady, twice, from that immunity."

Asked whether she would move court or write to the President, the survivor said she hadn't planned to, yet.

► 'Lost my job', P 5



## ‘Lost my job, family has lost its reputation, facing insane questions’

Tamaghna Banerjee &  
Poulami Roy Banerjee | TNN

**Kolkata:** The woman who accused governor C V Ananda Bose of sexual assault, when asked whether she would move court or write to the President, said she hadn't, yet. "Honestly speaking, neither me nor my family members are in a position to think or plan anything," she said. "I have lost my job, my family has lost its social reputation, we are facing insane questions every day, even some relatives and friends are questioning my stance and have been saying that I acted like an idiot."

The Kolkata Police's special enquiry team, led by DCP (Central) Indira Mukherjee, on Saturday had asked six Raj Bhavan employees to record

their statement and the officer-in-charge of the Raj Bhavan police outpost to provide CCTV footage. Bose's two-page gag order on X—and instructions to his chief of staff, S K Pattanayak, to pass it on to all Raj Bhavan officials—comes barely 24 hours after the police move.

The note also mentions that the state cannot start any criminal proceedings under Article 361. In the note, the governor also lays down Supreme Court's interpretation of Article 361 (in the Rameshwar Prasad case) that the governor enjoys complete immunity, even for their personal acts, while they are in office. He wrote, "It logically follows that the police cannot investigate/inquire into the matter, in any manner, whatsoever".

— DCP Mukherjee refused

comment. But a senior officer said no Raj Bhavan employee appeared to record statements. Another senior police officer said: "Whatever be the legal interpretations, as police we are duty-bound to register all sex abuse complaints."

The survivor said: "The governor has immunity as the constitutional head of state. Everybody knows that, including me. I know that nobody can bring him under justice, and I will not get justice anyway. I am telling you one thing more, I have come to know that employees of Raj Bhavan are being threatened so that no one can dare cooperate in the investigation... I have opted to raise my voice so that everyone knows that neither qualifications, nor his post, has disqualified him from molesting."

MAY 4, 2024

P1

# Raj Bhavan staffer says gov molested her, goes to cops

## Art 361 Gives Guv Immunity


TIMES NEWS NETWORK

**Kolkata:** A Raj Bhavan employee complained of molestation against state governor C V Ananda Bose on Thursday evening, introducing an element of the unprecedented in Bengal politics and pitting the Trinamool government and the governor's office in direct conflict in the middle of a seven-phase election season.

The woman, according to Raj Bhavan insiders, works in the telephone room and stays at the residential quarters on the campus itself.

She first went to the Raj Bhavan police outpost before 7pm on Thursday, from where she was taken to the Hare Street police station.

Her complaint to cops


 Truth shall triumph. I refuse to be cowed by engineered narratives. If anybody wants some election benefits by maligning me, God bless them. But they cannot stop my fight against corruption and violence in Bengal

### Raj Bhavan statement

 Appalling and unthinkable! The sanctity of Raj Bhavan, a symbol of our constitutionality, has been tarnished. Such despicable behaviour must be condemned in the strongest terms. Justice must be delivered swiftly for the victim, no excuses, no delays!

### TMC on X handle

mentions two incidents. Bose asked her on April 19 to meet him with her CV; she went to meet him on April 24 at 12.45 pm, when he "touched her inappropriately and made untoward advances", the complaint says. Bose again called her to his office on Thursday but the woman, instead of going alone, asked her supervisor to accompany her. The woman

 This looks like a political conspiracy. But, if there is truth in the complaint, Centre will take adequate action

**Suvendu Adhikari**  
BJP MLA & ASSEMBLY  
OPPOSITION LEADER

told cops that Bose asked the supervisor to leave after some time, following which he assured her of a promotion and then "touched her cheek", prompting her to protest.

A video circulating since the evening shows the woman complaining to a senior cop that she had been molested. "This is not the first time this has happened to me," she is he-

ard saying on phone before explaining why she had not complained earlier: "I had kept quiet as I was scared of losing my (contractual) job." She felt impelled to complain on Thursday, after the latest incident, to protect others from facing the ordeal she had faced. She is also seen referring to another woman who made similar complaints in the past.

"We are duty-bound to register a case and begin a probe since a woman has lodged this complaint," a senior police officer said. Other seniors told **TOI** they had recorded the woman's statement but did not register any FIR. "Article 361 of the Indian Constitution insulates the governor from any criminal proceeding while in office," another senior official said, adding that legal experts would be consulted.

► Chandrima banned... P 4



TIMES NATION

# State min Chandrima banned from entering Raj Bhavan

► Continued from P 1

Raj Bhavan issued a statement a couple of hours later. "Truth shall triumph. I refuse to be cowed by engineered narratives. If anybody wants some election benefits by maligning me, God bless them. But they cannot stop my fight against corruption and violence in Bengal," it read. Another statement thanked Raj Bhavan staff "who expressed solidarity against derogatory narratives circulated by two disgruntled employees as political parties' agents".

Yet another release issued after 10pm banned the entry of cops and state finance minister Chandrima Bhattacharya in Raj Bhavan premises. The cop ban



'I refuse to be cowed by engineered narratives,' said Bose in a Raj Bhavan statement

was to prevent their entry "in the guise of conducting unauthorised, illegitimate, sham and motivated investigations to placate political bosses during election", the statement said, banning minister Bhattacharya's entry in Raj Bhavan premises in Kolkata, Darjeeling and Barrackpore. Governor C V Ananda Bose

would not attend any finance department event, the statement said, adding that the attorney-general would be consulted for legal steps against Bhattacharya.

PM Narendra Modi reached Raj Bhavan at 10pm, where he stayed the night. He is slated to leave Raj Bhavan on Friday morning for campaigning in East Burdwan, Nadia and Birbhum. The complaint prompted the TMC to launch a blistering attack on Bose on X: "Appalling and unthinkable! The sanctity of Raj Bhavan, a symbol of our constitutionality, has been tarnished. Hours before the PM was supposed to arrive at Raj Bhavan to spend the night, a woman was allegedly molested by the governor under the fal-

se pretext of a job. Such despicable behaviour must be condemned in the strongest terms. Justice must be delivered swiftly for the victim, no excuses, no delays!" Finance minister Bhattacharya condemned "the alleged misconduct by the governor", which she called "unbecoming of any official, especially the head of State", before demanding "an immediate and a thorough investigation".

The BJP response was more nuanced. "This looks like a political conspiracy. But, if there is truth in the complaint, the centre will take adequate action," BJP MLA and assembly opposition leader Suvendu Adhikari said. Party spokesperson Samik Bhattacharya declined to comment.



MAY 1, 2024

## Will hear Sandeshkhali case when it's more conducive: SC to state

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**New Delhi:** Supreme Court on Monday questioned Bengal govt for challenging the Calcutta High Court order for an HC-monitored CBI probe into allegations of land grab, sexual assault and violence in Sandeshkhali and asked whether the state wanted to protect private persons accused.

The bench deferred the hearing to after the summer recess in July, saying in a lighter vein that the atmosphere would be more conducive for hearing then, referring to the fact that the general elections would be over.

The bench, however, made it clear that pendency of the state's appeal in SC would not be used as a ground for any purpose, which means the CBI probe can proceed. The main accused in the case is Sheikh Shahjahan, who has

been suspended from TMC.

Senior advocate Abhishek Manu Singhvi, appearing for Bengal, sought adjournment saying the state wanted to place some important information regarding the case before the court.

A bench of justices Sanjiv Khanna and Dipankar Datta, however, asked the state why it had challenged the HC or-

### ► 'Political voices', P 8

der: "Why should the state come as a petitioner for protecting the interest of some private individual?"

Responding to the query, senior advocate Jaideep Gupta said HC had made adverse remarks against state govt, which was why the verdict was challenged. He said it was unfair on HC to pass observations because govt had acted. The court asked him why the state did not approach HC to get the remarks expunged.

P8

## 'Political voices got supremacy'

► Continued from P 1

On April 10, Calcutta HC had ordered a CBI probe into the Sandeshkhali case. It also decided to monitor the investigation.

Challenging the HC's order, the state said in its appeal, "The actions of state govt in the present matter have been completely overlooked, while political voices have been given supremacy in court proceeding, which

not only vitiates the matter at hand, but further will lead to biased investigation. The HC heavily relies on the report of National Commission for Scheduled Tribes and numerous affidavits of alleged

### BENGAL PLEA IN SC

victims to pass the directions, whereas the said report is not conclusive as the state is permitted to file its objections against the re-

port.

"The said directions by Calcutta HC are unwarranted and not sustainable in the eyes of law and should be quashed by SC. The HC order which on one hand has called for a report from CBI on the investigation, has further painted the entire state machinery at fault attributing culpability of state officials in the land-grabbing allegations, which prima facie are unwarranted."



# Sex harassment case filed against Gowda son, grandson

## Former Househelp Says Duo Harassed Her And Daughter

TIMES NEWS NETWORK

**Hassan/Bengaluru:** A 47-year-old woman from Holenarasipura town in Karnataka lodged Sunday a police complaint against the son and grandson of ex-PM and JD(S) patriarch HD Deve Gowda — former minister HD Revanna and Hassan MP Prajwal Revanna respectively — accusing them of sexually harassing her and her daughter when they worked in the household between 2019 and 2022. The development follows reports that 33-year-old Prajwal has left the country. Official sources claimed that he is in France.

Within hours of receiving the complaint, police handed over the case to an SIT that state Congress govt set up to investigate the obscene videos allegedly implicating Prajwal, the BJP-JD(S) alliance candidate for Hassan Lok Sabha seat that voted Friday.

According to the FIR, the woman told police she is a close relative of Revanna's wife Bhavani, and was subjected to sexual harassment. The woman stated that she was invited by Revanna to work as a house help in 2011. In 2015, Revanna helped her secure a cook's job at a hostel in Holenarasipur. She rejoined Revanna's house in 2019 during his elder son's marriage.

"Six other domestic helps in the house would say they are scared of Prajwal. The male employees too would ask us to be wary of Revanna and



Congress supporters stage a protest in Bengaluru on Sunday seeking the arrest of Deve Gowda's grandson and JD(S) MP Prajwal Revanna

**The development follows reports that Prajwal Revanna has left the country. Official sources said he's in France**

Prajwal. Whenever his wife Bhavani was away, Revanna would repeatedly touch me inappropriately, disrobe me, and sexually assault me. While I was working in the kitchen, Prajwal would grope me from behind. Prajwal would ask the other employees to bring my daughter to do an oil massage for him. Prajwal would make video calls to my daughter and speak obscenely," the FIR quoted the woman as saying.

According to the complaint, the woman's daughter blocked Prajwal's number and later quit her job at Revanna's house. The woman said during the Lok Sabha election campaign, sleaze videos of Prajwal surfaced, and her husband began suspecting her. The woman has demanded police protection and action against Revanna and Prajwal.

Police registered an FIR under IPC for sexual harass-

ment and punishment for sexual harassment, stalking, punishment for criminal intimidation, and word, gesture, or act intended to insult the modesty of a woman. The FIR identifies Revanna and Prajwal as accused No 1 and No 2. Police sources said they are trying to contact other women who were sexually harassed, as claimed by the complainant.

Last week, pen drives with the video were distributed in Hassan city, following which Prajwal approached police alleging they were deepfakes to defame him ahead of voting on April 26. Police had filed an FIR and launched a probe.

State govt appointed senior IPS officer and additional DGP (CID) BK Singh as the chief investigating officer. He will be assisted by IPS officers Suman D Pennekar, AIG (headquarters), and Mysuru district SP Seema Latkar.

**JD(S), BJP distance themselves from alleged video case**

Former Karnataka CM and JD(S) politician HD Kumaraswamy said whoever is at fault in connection with the alleged video case, "there's no question of forgiving them." He added that according to the law of the land, the person indulged in wrongdoings will have to face its implications and refused to comment further until the investigation is complete.

"Whether it is me or HD Deve Gowda, we always respect women and whenever they come with complaints, we have tried to resolve their problems. The CM has already ordered an SIT investigation. The SIT team will bring him back from abroad. That's not my concern. According to the law of this land whoever commits wrong will have to face it," he said.

JD(S) core committee chairman and senior leader GT Devegowda said, "I don't blame govt for announcing the SIT investigation. We will sit and decide what action needs to be taken over the issue of Prajwal Revanna. For now, I will just say that I welcome the SIT probe."

S Prakash, the chief spokesperson of BJP's state unit said, "We, as a party, have nothing to do with the videos and neither do we have any comments to make on the SIT probe announced by the state government." ANI



## Woman seeks custody of cattle with daughter

TIMES NEWS NETWORK

**Ahmedabad:** A habeas corpus petition left Gujarat High Court judges perplexed. In her petition, a Surat woman sought custody of her abducted daughter as well as livestock which, she claimed, had been stolen from her.

Addressing the court online in hybrid hearing mode, the petitioner's advocate, A B Pandya, informed the court that the woman's daughter was abducted two years ago, and that goons had burnt down her hut and taken her cows, buffaloes and hens.

She had lodged two FIRs but police had been inactive in bringing her daughter and livestock back. The petition claimed that it was the handiwork of two land mafia at whose behest the municipal corporation later razed the

hutment and disposed of her dwelling.

The bench of Justice A Y Kogje and Justice S J Dave questioned the lawyer about the prayer made in the petition regarding securing custody of the woman's livestock. Pandya replied that his client is like a mother to these animals and therefore custody of them should be handed over to her. Justice Kogje asked the lawyer how the HC can exercise its power, to which the lawyer replied, "Because they are also human. She is the mother of these animals."

The judges asked the lawyer to remove the prayer for custody of animals from the petition, saying, "We are not convinced that we can invoke habeas corpus jurisdiction for animals..." The court has posted further hearing in this case to April 19.

P1  
**SC allows raped  
minor to end  
30-wk pregnancy**

Supreme Court on Monday allowed termination of a 14-year-old girl's 30-week pregnancy, allegedly caused by sexual assault. The SC decision came after a medical board's opinion that though MTP at this stage was risky, threat to the minor's life was more if pregnancy continued to its full term.

P6

## Triple-death sentence for rape, murder of 5-yr-old girl

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**Nagpur:** A sessions court in Maharashtra's Nagpur pronounced on Monday triple death sentences to a man convicted on three counts of abduction, rape and murder of a five-year-old girl in 2019.

Additional sessions judge S R Padwal's verdict against Sanjay Puri under Sections 302 (murder) and 376AB (rape of a minor) of IPC and Section 6 of PocsO Act (aggravated penetrative sexual assault) is said to be the first instance of a court in Maharashtra giving three death sentences. "The death penalty will be executed, subject to confirmation by Bombay HC. All substantive sentences shall run concurrently," the order said. Double death sentences have previously been pronounced in at least four cases in the Vidarbha region alone.

Special public prosecutor Prashant Sathianathan said the child's mother reported her daughter missing on December 7, 2019. A case was registered at Kalmeshwar police station near Nagpur the same day.

On December 8, the girl's body was found in a field. Medical examination revealed she was sexually assaulted before the perpetrator smashed her head with a boulder.

Investigators quickly identified the accused as Puri. It transpired that he lured the child into a field the day she went missing, gagged, raped and then murdered her. Additional sessions judge Padwal also fined the convict Rs 15,000 and directed the officer-in-charge of Kalmeshwar police station to assist the victim's parents in applying for compensation from the State Legal Aid Committee. The most recent double death sentence was pronounced on May 22 by another court in Nagpur against a man convicted of raping and killing his 16-year-old daughter.



## Now, Prajwal's bro, a JD(S) MLC, held for unnatural sex

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**Hassan:** Former PM HD Deve Gowda's grandson and JD(S) member of the legislative council (MLC) Suraj Revanna was arrested on Sunday on charges of unnatural sex, wrongful confinement and criminal intimidation.

Suraj (37), the eldest son of former minister HD Revanna, is the fourth member of the Gowda family to face serious allegations after his father, mother Bhavani Revanna and 34-year-old brother Prajwal Revanna. Former Hassan MP Prajwal was arrested over three weeks ago in connection with an alleged sex scandal.

Suraj, a surgeon-turned-politician, was arrested following a police complaint by a JD(S) worker.

The complainant first approached senior police officers in Bengaluru on June 21 and later filed a formal



Suraj was arrested following a complaint by a JD(S) worker

complaint with Holenarasipura police in Hassan district, resulting in the registration of an FIR.

"Based on the complaint, we have filed the case and due procedure has been followed," Karnataka home minister G Parameshwara said, while confirming the state govt's decision to hand over the investigation to CID.

According to sources, Suraj was summoned to appear before investigators at the CEN police station in Hassan city Saturday evening. He reportedly denied the allegations during questio-

ning. Following his arrest and medical examination, Suraj was transferred to Bengaluru Sunday, where he was permitted to consult with his legal team.

The investigation includes an examination of calls and messages exchanged between Suraj and the complainant, as well as the latter's visit to Suraj's farmhouse on June 16. Police are also investigating a counter-complaint filed by a friend of Suraj, accusing the JD(S) worker of fabricating the allegations to extort money from the legislator.

Suraj has faced multiple controversies since entering public life. After younger brother Prajwal's election to Lok Sabha in 2019, Suraj transitioned into politics, starting with his role as director of Hassan District Co-operative Central Bank (HDCC) in 2020.

► Prajwal bro probe, P 7

## Prajwal bro probe handed to CID, cops' lens on counter-plaint

► Continued from P 1

Suraj was later elected unopposed as director to Holenarasipur Taluk Primary Agricultural Credit Societies.

In 2021, Suraj contested the legislative council elections from Hassan segment on a JD(S) ticket and won. However, his candidacy was marred by accusations of concealing personal details, including his marital status.

Suraj has maintained a relatively low profile compared to his family members. His father Revanna was elected MLA in 1994, while mother Bhavani served as member of the Hassan zilla panchayat.

"He is yet to come out of the shadow of his father," a senior JD(S) functionary said.

As the investigation continues, the Revanna family remains under intense scrutiny, with all four members facing various legal challenges related to sexual assault, harassment, and kidnapping allegations. Revanna was earlier arrested for the alleged kidnapping of a 47-year-old woman from Holenarsipura



Suraj is brought back to Hassan police station after a medical test

town after she lodged a police complaint against him and Prajwal on April 28, accusing them of sexually harassing her and her daughter when they worked in their household between 2019 and 2022.

Her son lodged a police complaint in Mysuru district on May 2 claiming that his mother had been abducted on April 29 night.

Later, Revanna's wife Bhavani was accused of orchestrating the abduction to protect her son and husband.



## Raj Bhavan ex-staffer takes guv molest complaint to SC

TIMES NEWS NETWORK

**Kolkata:** The former Raj Bhavan staffer, who had filed a molest complaint against Bengal governor C V Ananda Bose, moved Supreme Court on Wednesday, questioning how constitutional immunity granted to the governor could curb her fundamental right to life. Raj Bhavan did not immediately react to the developments. The case is likely to come up for hearing early next week.

The woman, a contractual employee who alleged Bose molested her twice on Raj Bha-



### File CM libel case afresh, HC tells guv

Calcutta HC on Wednesday directed governor C V Ananda Bose's counsel to withdraw his defamation petition against CM Mamata Banerjee after pointing out procedural infirmities. Justice Krishna Rao asked him to file it afresh.

van premises, in her petition urged the apex court to direct police to "carry out investigation based on the sexual allegations raised by her". She also sought protection and security for herself and her family and compensation for loss of

reputation and dignity. She questioned the manner in which Raj Bhavan branded her a "liar" and the governor gave "his own self a clean chit".

Text messages to Bose did not elicit any response and a Raj Bhavan official said they had no information on any case being filed in Supreme Court. The woman, too, chose not to speak on the developments.

In her petition, the woman said she had been, "rendered voiceless and shunned to a life of depravity and ridicule" and was under "extreme distress" and had "no urge to live a life with such a black mark on her character".

► 'Guv's immunity...', P 5



P8

## 'Guv's immunity can't impair police power to probe offence'

► Continued from P 1

Arguing that while Article 361 gives a governor immunity from criminal proceedings while discharging his duties, she questioned how could "sexual harassment and molestation form part of governor's duties". She added that in such a case she would get no remedy and the only option for her would be "to wait for the accused to demit his office", a delay that would be difficult to explain during trial, rendering the entire procedure a mere lip service, without any justice to her.

The woman also argued that immunity "cannot impair the police's powers to investigate the offence, including the recording of the governor's statement by the police, if need so arises" and added that immunity granted under Article 361 was applicable only at the stage of taking cognizance of the offence and not at the stage of inquiry or investigation.

The woman's complaint had prompted cops to lodge an FIR on May 15 against



three persons, all Raj Bhavan staffers, for criminal conspiracy. The three were

granted anticipatory bail and have now moved Calcutta High Court for quashing of charges against them. The HC on May 24 in an interim order had asked police not to take any coercive steps against the trio. Among those implicated is the officer-on-special duty to the governor.

Last week, **CV Ananda Bose** had written to the DoPT asking for removal of Kolkata Police commissioner Vineet Goyal and DCP (Central) Indira Mukherjee, who is heading the Special Enquiry Team probing the molestation charge. Bose said Kolkata Police "induced and enticed the accuser and has played the role of a facilitator in the events that unfolded" and dubbed it as "part of a pre-written script". He claimed the "concocted allegations with added colour and flavour shows the mala fide intent and complicity of the police."

MAY 28, 2024

## Girl hangs self after posting on social media

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**Kolkata:** A class XII girl, who had recently been rejected by her boyfriend, killed herself shortly after posting her photo on social media, showing herself with a saree around her neck. Alarmed by the post, her friends rushed to her home in Bongaon and found her hanging on Saturday night.

The girl's family lodged a complaint for abatement to suicide against her lover with Bongaon police station on Sunday. According to local sources, the girl, a resident of Chapaberia, was having an affair with a local youth for three years. "Recently, the youth broke up the relationship and asked her mother to tell her daughter to delete all their photos from social media. Otherwise, he threatened to harm my daughter," her father said.

According to her family, after being jilted in love, she broke down and got depressed. "On Saturday night, she locked herself in her room. It was her friends who alerted us. But it was too late," her mother said. "It appears to be a case of suicide," said an officer.



# K'taka sex scandal: Revanna taken into custody by SIT

## Bail In Survivor Kidnapping Case Rejected

**Bengaluru:** In a major development, the Special Investigation Team (SIT) probing the sex video scandal involving JD(S) MP Prajwal Revanna on Saturday took his father and JD(S) MLA H D Revanna into custody after his anticipatory bail plea in a survivor kidnapping case was rejected by the People's Representative Court in Bengaluru.

Sources said H D Revanna has been taken into custody from the residence of his father and former Prime Minister H D Deve Gowda in Bengaluru's Padmanabhanagar locality. He has been taken to the SIT office on the premises of the Criminal Investigation Department (CID).



Revanna was taken into custody from the residence of his father, former PM H D Deve Gowda, in Bengaluru on Saturday

H D Revanna opened the door himself and walked out with the SIT officers towards their vehicle. He did not make any remark at the time of his arrest. The SIT officers reached the former PM's residence soon after the court turned down his anticipatory bail plea in a case related to the kidnapping of a woman who was allegedly sexually assaulted

by his son Prajwal, the sources said. Earlier on Saturday, the SIT traced the kidnapped woman to the farmhouse of Rajashekar, the personal assistant to H D Revanna, at Kalenahalli village in Mysuru district. In the court, special public prosecutor B N Jagadish submitted that the case is about saving the life of a poor woman. Jagadish argued that

H D Revanna did not turn up before the authorities even after being served three notices.

Senior counsel Muthy D Naik, appearing for H D Revanna, argued that the only allegation against his client is a statement that he had called the survivor to his residence. Barring this, there is nothing to prove the role of HD Revanna in this case, he argued, adding that the statement was made by an accused in the case, with whom his client has no connections.

He also claimed that the SIT has deliberately added IPC Section 364A, which attracts life imprisonment and capital punishment, to ensure that his client's bail plea is rejected. The other IPC Sections invoked — 363 and 365 — attract imprisonment of less than seven years. Therefore, to prove the innocence of H D Revanna, he should be granted bail, Naik submitted. IANS



P1  
To appear before  
SIT on May 31 in  
sex abuse case:  
Prajwal in video

• **Bengaluru:** A month since fleeing the country after allegations that he had sexually abused multiple women, Karnataka MP and former PM HD Deve Gow-



da's grandson **Prajwal Revanna** released a purported video statement

Monday apologising to his family for being incommunicado, and announced he would appear before investigators at 10am on May 31.

"I will cooperate with the investigation and respond to the charges. I have faith in judiciary and God. I am confident of emerging victorious from these false cases," the Hassan MP says in the three-minute video in Kannada.

State home minister G Parameshwara said the Hassan MP could "face arrest as soon as he lands here" since warrants had been issued against him.

## Prajwal: Went into depression after Cong defamed me

► Continued from P 1

Everyone claims they are not guilty... SIT, based on evidence, will say what they have to, state



home minister G Parameshwara said.

**Prajwal Revanna**

says in the video that he "went into depression" and "isolated" himself after MP Rahul Gandhi and other Congress functionaries defamed him publicly. "I was watching a news channel on YouTube when I learnt (about the sex abuse allegations). After that, SIT also issued a notice. I sought a week's time to respond to the SIT notice through my lawyers and X handle."

The suspended JD(S) functionary alleges that several people in his constituency conspired against him "as I was growing politically in Hassan".

"Looking at all these things, I was shocked; so I was a bit away. No one should mistake my absence for fleeing."

Prajwal, who is seeking re-election from Hassan, insists in the video that his trip was planned before the allegations surfaced.

"There was no case against me at the time, and SIT was 'not formed' either."

P7

7

## Prajwal sex scandal dented Deve Gowda's image: HDK

**Hassan/Bengaluru:** Former minister and JD(S) MLA HD Revanna, facing sexual harassment charges, said on Wednesday the people of Hassan, "who have blessed me for decades, will not abandon me". Revanna, who was arrested and is out on bail, refused to discuss the case "since it is sub judice".

Revanna's brother, former

CM HD Kumaraswamy, said the sex scandal allegedly involving Prajwal Revanna's son Prajwal had dented the image of party patriarch and former PM HD Deve Gowda.

JD(S) submitted a complaint to Karnataka DGP & IG Alok Mohan against Congress MP Rahul Gandhi for allegedly saying Prajwal had "raped 400 women". TNN



P1

### Whistleblower in Prajwal case held for harassment

**Mysuru:** BJP functionary G Devarajegowda, the first to alert his party last year about sleaze videos allegedly involving Hassan JDS MP Prajwal Revanna, was arrested late Friday in a sexual harassment case.

Devarajegowda, also an advocate, was held in Karnataka's Chitradurga and brought to Holenarasipura, Hassan, on Saturday. He was remanded in judicial custody for 14 days.

A woman had filed a complaint on April 1 this year saying she had contacted Devarajegowda to find a buyer for her property around 10 months ago. She claimed he had been regularly contacting and harassing her over phone and abused her this Feb. Devarajegowda has also been booked on charges of voyeurism. TNN

# 2nd woman denies rape, says she was made to sign on blank paper

'Who Were They?' Patra In Old Video On 'Survivors' Who Met Prez

Sanjib Chakraborty | TNN

**Sandeshkhali:** Two more videos — both bites given to TV channels — have emerged out of Sandeshkhali, giving fresh life to the Trinamool charge that the entire controversy is a "BJP narrative engineered for political purposes".

The first video to emerge on Thursday shows Basirhat BJP candidate Rekha Patra questioning the identities of the "rape survivors" who were taken to Delhi by BJP functionaries to meet President Murmu. "We are the real survivors, who are they?" she asks in what seems to be an old interview given to TV channels before she became BJP candidate from Basirhat (Sandeshkhali is a part of the constituency).

The second is of a Sandeshkhali "rape survivor" telling the media that she was made to sign on a blank piece of paper by BJP func-

## TALE OF 4 SANDESHKHALI VIDEOS

**1** A sting op video in which BJP Sandeshkhali Block-II chief Gangadhar Koyal says the "Sandeshkhali movement" was Suvendu Adhikari's brainchild and the women complainants did what they were told to do

**2** A woman who had filed rape complaint tells police and media she was made to sign on blank paper by BJP netas and coerced to

go to police station

**3** Rekha Patra tells TV channels (before becoming BJP's Basirhat candidate), "We are the rape survivors, who are the women taken to Delhi by BJP to meet Prez Murmu?"

**4** Another 'rape survivor' tells media there was no rape and she was forced to sign a blank paper

tionaries and she never went to the police station to lodge any complaint. "There was no rape," she told reporters.

Thursday's developments follow two earlier videos — one a sting operation and the other an interview given to news channels — that have been highlighted by Trinamool to show how Bengal BJP seniors, including assembly opposition leader Suvendu Adhikari, in-

stigated several women in Sandeshkhali to file complaints of rape.

The first of the four videos came last week; it was a sting operation showing BJP Sandeshkhali Block-II chief Gangadhar Koyal admitting that the entire "Sandeshkhali movement" was Adhikari's brainchild and the women (the complainants) did what they were told to do. The second video — an inter-

view given to TV channels on Wednesday — showed one "rape survivor" saying there was no sexual abuse and she was made to sign a blank piece of paper by BJP leaders.

On Thursday, the second "rape survivor" told reporters that BJP worker Piyali Das (aka Mampi Das) had taken her and some others to meet a visiting NCW team. "We told them we would be happy if we were given our NREGA dues and the money we were promised for cooking for them (Trinamool leaders)," she said before adding that there was no rape. "We were given a blank paper and asked to sign. We went home after that. Four-five days later we got a notice from the police station. It was then that we came to know that we had filed a rape complaint. This is a total lie. Nothing of this sort happened," she says on camera.

► Custodial quizzing, P 5



## 2 get life term for murder, 43 yrs after acquittal

TIMES NEWS NETWORK

**Prayagraj:** Allahabad High Court has overturned the acquittal of two murder suspects by a trial court in Gorakhpur 43 years ago and sentenced both to life term.

In response to a govt appeal, justices Rajiv Gupta and Shiv Shanker Prasad reversed the acquittal of Pyare Singh and Chhotku, convicting them under Section 302 (murder) and other relevant sections on May 7.

The court directed the chi-

**The case dates back to Sept 22, 1978, when a person named Ganga was killed, leading to an FIR against seven people in Gorakhpur**

ef judicial magistrate of Gorakhpur to ensure both were arrested and transferred to jail to serve their sentences.

The case dates back to Sept 22, 1978, when a person named Ganga was killed, lea-

ding to an FIR against seven people in Gorakhpur the following day.

The suspects were charged after an investigation. The additional sessions judge of Gorakhpur convicted five of the accused on January 21, 1981, and sentenced them to life term.

Pyare and Chhotku were acquitted of all charges in the same judgment. Later, govt appealed against their acquittal.

HC heard the plea and noted in its verdict: "After consi-

dering the facts and circumstances of the case and examining the findings recorded by the trial court in the acquittal of accused Pyare Singh and Chhotku, we are of the view that the trial court has not examined the evidence led by the prosecution in the right perspective. The prosecution has fully established the guilt of the accused on the basis of evidence led at the stage of trial. The acquittal of the accused Pyare Singh and Chhotku is consequently reversed."

P8



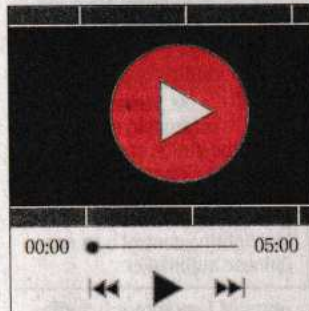
P12

# Shame, Misdirected

*In the Revanna case, women continue to be brutalised by failures to protect their identity*

**P**rajwal Revanna is, by most accounts, in Germany. He left Hassan soon after it finished polling on April 26. Between then and today, when Karnataka's remaining LS seats go to vote, the sexual assault allegations against him have escalated in gravity and political heat. You could say of all this, it's the start of the journey of justice. But for many of the women who appear in the videos, on whose basis an SIT probe is proceeding, it appears to be the start of new torture. As the videos gain circulation in Hassan and reveal their identities, women have been fleeing their homes, without the luxury of a diplomatic passport or a European destination.

**Don't mislabel this** | It doesn't help them that many media reports refer to the videos as 'sex tapes'. There are clear signs that nothing so benign is underway here. What is being indicated is sexual harassment to rape, on a mass scale, with the enormous political power Revanna's family wields in the district providing the core frame of reference.



**Don't continue electronic abuse** |

In the seminal Nipun Saxena case, SC underlined the importance of protecting the identity of rape and sexual abuse victims: "Unfortunately, in our society, the victim of a sexual offence...is treated worse than the perpetrator of the crime." The persons who dumped the video pen drives across Hassan's bus stops, parks, shops etc before it voted, with obvious

political motivations, don't care how many women they will be hurting how much. Neither do all those who take pleasure in watching the videos and circulating them via WhatsApp, Bluetooth etc. But what about the state? What has it done to protect the women's identities? So far, not much.

**Don't ignore the laws** | These acts of circulation are actionable under Sections 66E and 67A of the IT Act. The judiciary, which has issued 80+ gag orders for Revanna, should strongly direct authorities on strict action to protect the women too. SIT's new helpline must also come through for the victims. Finally, it is time to pull political parties within the POSH and Vishakha rekhas. The view that they are exempt because they do not have employer-employee relationships is no longer tenable. Remember, the idea of the workplace was meaningfully expanded by the Bhanwari Devi case. Then note that the Revanna videos reportedly include party workers.



MAY 13, 2024

P5

THE TIMES OF INDIA, KOLKATA  
MONDAY, MAY 13, 2024

# 12-yr-old's MTP plea: HC seeks med board report

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**Mumbai:** The Bombay High Court has sought a report from a medical board of JJ Hospital on a plea for medical termination of the over six-month pregnancy of a 12-year-old girl who was sexually assaulted by her 14-year-old brother.

Justices Revati Mohite Dere and Manjusha Deshpande on Thursday directed a medical board to be constituted to examine her and its report to be submitted to a vacation bench on Monday. The girl's mother moved HC to permit MTP as her daughter's pregnancy has crossed the 24-week legal limit for termination.

The petition said on May 2 the daughter complained of stomach ache. At a health centre, the doctor suspected pregnancy and a test confirmed it. The girl told her mother that from Oct, when no one was at home, her elder brother used to forcibly establish physical relationship with her. He threatened her with dire consequences. On the mother's complaint, an FIR was lodged the same day under IPC and PocsO Act against the son and he was



sent to juvenile home. On May 3, the girl was produced before child welfare committee, Palghar, and sent to a home. On May 4, at JJ Hospital it was found that she is "24 weeks and five days" pregnant.

The mother's petition said doctors have opined that there are chances of premature birth, low birth weight, respiratory distress syndrome, electrolyte imbalance and kidney disease. The medical reports indicate there will be major complications in growth of the foetus in the minor's womb and it will endanger both lives. Also, continuation of pregnancy till normal tenure will affect the girl's physical and mental health

**The mother's petition said doctors had opined that there were chances of premature birth, low birth weight, respiratory distress, electrolyte imbalance and kidney disease...major complications in growth of the foetus**

besides causing more risk to her life.

"The mere age of 12 to 13 is not appropriate to reproduce a child... The minor girl has a right to study and make a career but due to this pregnancy it will be impossible for the minor/victim even to be educated," her petition added. The mother said she wants her daughter to lead a "normal life without any complications and medical problems". "...every passing day produces irretrievable changes in the status of the petitioner's daughter and foetus which she carries and... invariably have a direct impact upon the child in the womb as well as the petitioner's daughter," her petition said.



P12

# Sexual crimes: Shun perps, not survivors

SWAMINOMICS

SWAMINATHAN S ANKLESARIA AIYAR



Some are drooling lasciviously over the Karnataka sex scandal involving Prajwal Revanna, MP and son of former state health minister HD Revanna, and grandson of former Prime Minister and head of the Janata Dal (S), H D Deve Gowda. Others are analysing the impact on the election.

Prajwal's pen drive with 2,976 sexual video clips of him allegedly forcing sexual acts on multiple women is all over social media. This has emboldened some survivors to file cases. Prajwal has decamped to Germany to avoid arrest.

His father, Revanna, is also in trouble. A former female employee at his house has alleged, "Whenever his wife Bhavani was away, Revanna would repeatedly touch me inappropriately, disrobe me, and sexually assault me."

This highlights two terrible aspects of Indian society. One, powerful families control local police stations and are effectively above the law. Their children think they are immune from criminal complaints. That can have devastating moral consequences.

Sadly, the Gowda clan's power is not exceptional. Across India, top politicians are masters in their satrapies. Anybody complaining against them will suffer terribly after a police rebuff. Once in a while their outrages come to light, but this has no impact on other satraps.

Consider Kuldeep Singh Sengar, former BJP MLA. He allegedly raped a 16-year-old girl who came to him for a job in Unnao in 2017. Her father protested to the police, but was himself arrested and beaten to death by policemen in jail. Desperate for justice, the girl set herself on fire outside the chief minister's house. The courts intervened, and a police enquiry exposed the shocking truth. Later, a truck hit the car in which the girl was traveling with two aunts and her lawyer. Her aunts were killed, and her lawyer badly injured. What a tragic outcome for a girl who had the guts to complain. Will not her tale dissuade other victims?

Worse is the social impact on female survivors and their families. I find this far more shocking than even the sexual abuses. Surely women filmed performing forced sexual acts should receive the warmest sympathy and heartfelt support of their communities. Surely the molesters and rapists should be ostracised. Alas, it is the survivors who are being ostracised by their communities. As for perpetra-



**WHAT A SHAME:** While the accused has fled to Germany, the stigma has made several survivors and their families leave Hassan district

tors, one newspaper report from the field says the revelations will have no impact on votes. Apparently, voters think nothing significant has happened.

Across Hassan district, several survivors and their families have fled to escape humiliation and social opprobrium. Traditional Indian society does not view raped women as victims of terrible crimes. It views them as scandalous women acting in porn clips. The humiliation is too much for many families to bear.

A woman who used to work in Revanna's home was kidnapped to silence her. The police rescued her. Is she hailed as a heroine bringing horrible politicians to book? No, she and her family are scarred for life. Her son says, "The whole world knows about us now. How can we go back to our village and live? We are poor people fighting every day to make ends meet. The area where we lived will never accept us."

Worse, the woman was too afraid to tell her family the truth. "She never told us about the assaults," says the son. "We came to know only after the video went viral." Our sick social norms stop a woman complaining of rape to her own family for fear of social disgrace.

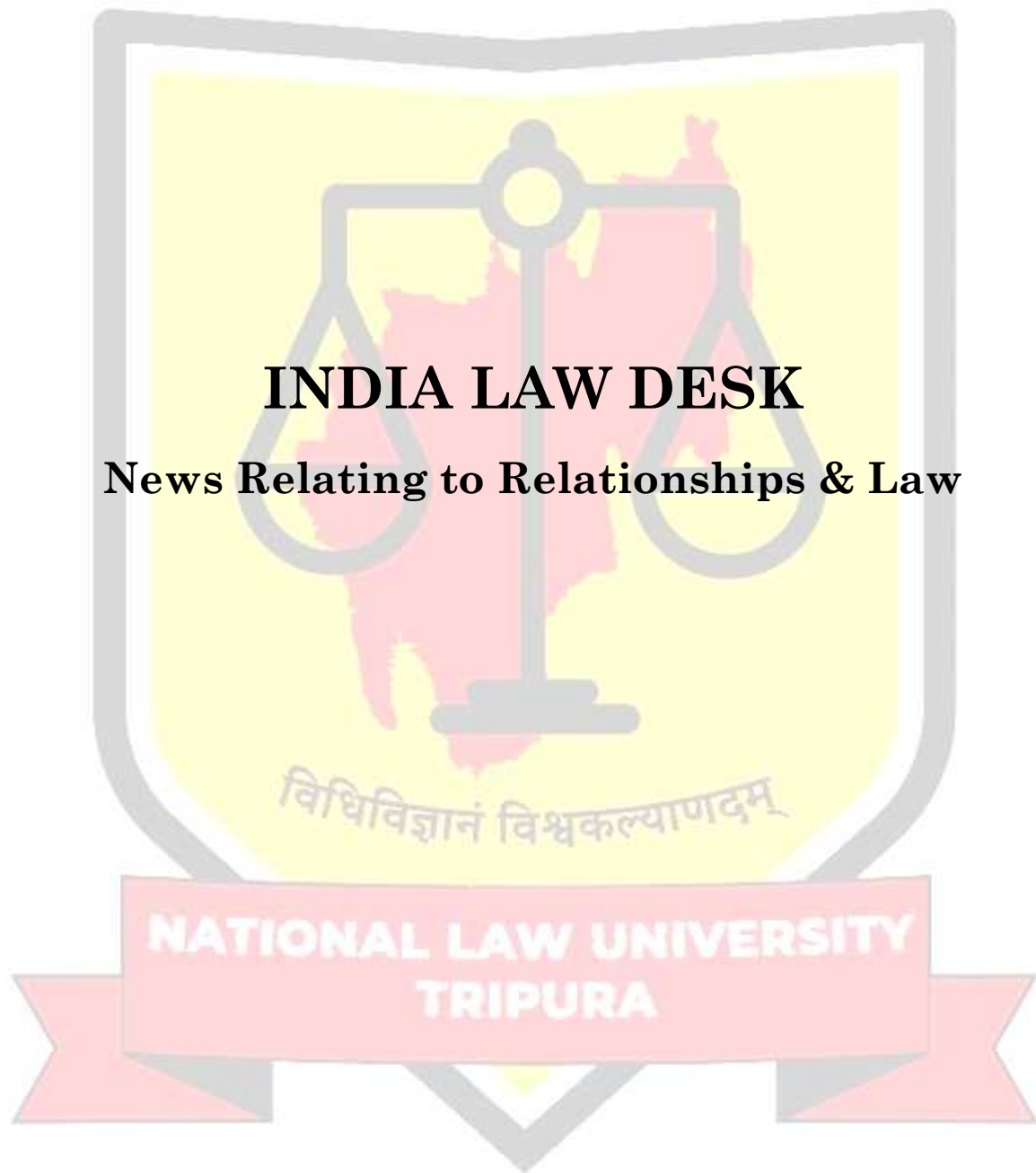
In other countries, survivors would have national sympathy, and those coming forward to tell their tales would be called heroines. Traditions are different here, imbued with a patriarchal culture that commodifies women. They are viewed as possessions of their fathers and after marriage, of their husbands, rather than individuals free to do as they please. The practice of dowry further commodifies them.

One consequence is that a raped girl is viewed as 'damaged goods'. People will say in Hindi "Neta ne ladki ko kharab kar diya" (the politician has made the girl bad). What distorted logic! Surely the man is bad, and the girl is not. But in traditional society, nobody will marry her. Other men will view her as a 'bad girl', as legitimate prey. Her family will be tainted.

An injured man will receive sympathy and help from community. But a raped woman will not, because she is seen as a commodity, and damaged at that.

We boast about becoming the third largest economy in the world, and the voice of the Global South. Let us attend first to the sickness in our society. Let us gain the capacity to feel shame. ■





P-6

## HC denies parole for conjugal relations with live-in partner

TIMES NEWS NETWORK

**New Delhi:** Delhi High Court on Thursday underlined that Indian law and prison rules do not permit parole to a prisoner on the ground of maintaining conjugal relationships, certainly not with a live-in partner. The court said that a person cannot claim to have a fundamental right to a child from his or her live-in partner, who is a convict, while denying parole to a man who tried to pass off his live-in partner as his wife, hiding the fact he already had a wife.

"It would be also pertinent to note that the law, as it stands enacted today, does not permit grant of parole on the ground of maintaining 'conjugal relationship' even with one's legally wedded wife, let alone a live-in partner," Justice Swarana Kanta Sharma observed while refusing parole to a man, who is serving life imprisonment, to consummate his "marriage" with his live-in partner and for maintaining

social ties.

In the plea, the woman was mentioned as his wife and the man had also not revealed that he had not legally separated from his first wife with whom he had three children.

The convict's live-in partner, who lacks legal recognition as a "wife", does not fall within the scope of the definition of 'family' under the Delhi Prison Rules, HC said, adding

though the Rules recognise the illness of a kin as a ground for considering application for parole, such 'family member' will not include the petitioner's live-in partner, who, according to the interim application, is ill and requires treatment.

The court said if parole is granted on such grounds, it will open a flood gate of such petitions where many convicts may seek parole on the ground that they have a live-in partner apart from their legally-wedded partner or in case of an unmarried convict, a live-in partner who may want to have a child with the convict.



P6

## No legal bar on second divorce plea on cruelty grounds: HC

**Bengaluru:** There is no legal bar on filing a second petition seeking dissolution of marriage on grounds of cruelty if earlier petition has been dismissed, Karnataka HC observed, granting divorce to a man, reports **Vasantha Kumar**.

"Even if it is assumed that the husband has failed to discharge his obligation towards the son, the same cannot be a ground to deny divorce if he is able to establish the ground of cruelty against his wife," a division bench comprising Justices Anu Sivaraman and Anant Ramanath Hegde said, setting aside the judgment of a family court in Mysuru.

The couple married on Jan 28, 2007, and welcomed a son on Jan 26, 2010. The woman registered a police complaint against her husband, accusing him of demanding Rs 3 lakh from her father.

The wife alleged the husband had an illicit relationship with a colleague. The husband, who had earlier filed a divorce plea and withdrew the same in 2018, filed a fresh petition in 2019. On Jan 22, 2021, the family court rejected the plea filed by the husband.



THE TIMES OF INDIA

JUNE 19, 2024

P5

**Relationship no  
licence to beat a  
woman: HC**

**Bengaluru:** A consensual relationship is not a licence for a man to beat up a woman, Karnataka High Court has observed while quashing rape and cheating charges against a techie brought by a colleague while retaining others related to thrashing her.

Justice M Nagaprasanna noted that both Bengaluru residents were in a relationship for over five years.

In July 2022, the woman lodged a police complaint alleging the man had a physical relationship with her on the promise of marriage but breached it. Following this, a case was filed against him under various sections of the IPC, including Section 376 (rape).

The man challenged the FIR in the HC and argued that in 2020, the woman had filed a similar complaint against another person and it was pending. He claimed the woman had filed a similar complaint in 2022 and had a habit of filing criminal complaints against different men. TNN

# SC recalls order allowing abortion of 31-week foetus

## Teen To Carry Till Full Term As Docs Explain Risk In MTP

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New Delhi: In a rare instance, Supreme Court on Monday recalled its April 22 order, passed in exercise of its omnibus powers under Article 142 of the Constitution to do complete justice, allowing termination of a 14-year-old girl's 31-week pregnancy caused by sexual assault.

A bench headed by CJI D Y Chandrachud, on a petition filed by the minor's mother, had asked the dean of Lokmanya Tilak Municipal General Hospital and Medical College, Sion, Mumbai, to carry out the MTP after it perused a medical board's report suggesting that though termination of an advanced pregnancy was risky, carrying on with the pregnancy to its full term may have a deleterious impact on the minor's mental and physical health.



After the court passed the order setting the stage for MTP, the girl's mother vacillated between termination of a fully grown foetus or allowing her minor daughter to deliver a baby which would be put up for adoption. She wanted an assurance that MTP would not harm her daughter in any manner. But doctors explained the complications involved in terminating an advanced pregnancy.

Finding the petitioner indecisive, the doctors wrote back to the SC and additional solicitor general Aishwarya

**The CJI-led SC bench ordered that if at any later stage, after the minor gave birth, the family wanted to give up the baby for adoption, then state govt would facilitate the process**

Bhati, specifically requested by the SC to assist in the matter by consulting everyone involved, explained the difficult situation faced by the doctors in terminating a pregnancy which had advanced to 32 weeks.

Recognising the dilemma, the bench decided to have a video conference with the girl's parents, the team of doctors tasked with conducting the MTP, counsel for the mother and Bhati.

After a discussion, the bench agreed with the parents on taking the pregnancy to its full term.

It recalled its April 22 order, and ordered that the Maharashtra govt would support the girl and her family in carrying on with the pregnancy to its full term and render all healthcare assistance to her.

The CJI-led bench also ordered that if at any later stage, after the minor gave birth, the family wanted to give up the baby for adoption, the state govt would facilitate the process.

Interestingly, Bombay High Court had rejected the girl's mother's plea for MTP citing the Medical Termination of Pregnancy Act provision that fixed 24 weeks as the outer limit for pregnancy termination. SC had ordered a fresh examination of the girl by a medical board on the ground that the medical report relied upon by the HC did not consider "impact of pregnancy on physical and emotional well-being of the minor".



p8

## Islam doesn't allow live-in if married: HC

**Lucknow:** Allahabad HC's Lucknow bench has held that a follower of Islam cannot be in a live-in relationship if his spouse is alive, reports **Ravi Singh Sisodiya**. "Islamic tenets do not permit live-in-relationship during a subsisting marriage. The position may be different if the two persons are un-

married and the parties being adults choose to lead their lives in a way of their own," said the bench. With this observation, the bench of justices AR Masoodi and AK Srivastava refused to provide police protection to the petitioners. The petitioners are from different faiths.

The petitioners claimed they were in a live-in relationship but the woman's parents lodged an FIR for kidnapping and inducing their daughter to marry him. They sought police protection saying they are adults and, as per a SC order, they were free to stay in a live-in relationship.



p8

8

TIMES

# 498A replicated in BNS without shield for hubby worries SC

## 'Cops Should Be Called In As Last Resort'

Dhananjay Mahapatra  
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New Delhi: Supreme Court has ruled that married women cannot use police machinery to hold husband at ransom and expressed concern over much abused Section 498A (cruelty to women in matrimonial home) of IPC getting replicated in Bharatiya Nyaya Sanhita without a semblance of protection for husband and his relatives against frivolous complaints.

Quashing a 498A case filed by a woman against her hus-

### Ansari's son gets pre-arrest bail

Supreme Court on Monday granted anticipatory bail to Umar Ansari, the son of deceased gangster Mukhtar Ansari, in a case against him for violation of model code of conduct in 2022. A bench of Justices Hrishikesh Roy and Prashant Kumar Mishra granted him relief after his counsel submitted that other accused in the case are already on bail.



Opposing his bail, additional advocate general of UP Garima Prashad said that allegation against Ansari was serious as he had threatened the district administration of Mau and violated MCC during state polls in 2022. TNN

band, and in-laws, a bench of justices J B Pardiwala and Manoj Misra said: "Police machinery cannot be utilised for the purpose of holding husband at ransom so that he could be squeezed by the wife at the instigation of her parents or relatives or friends. Police machinery should be resorted to as a measure of

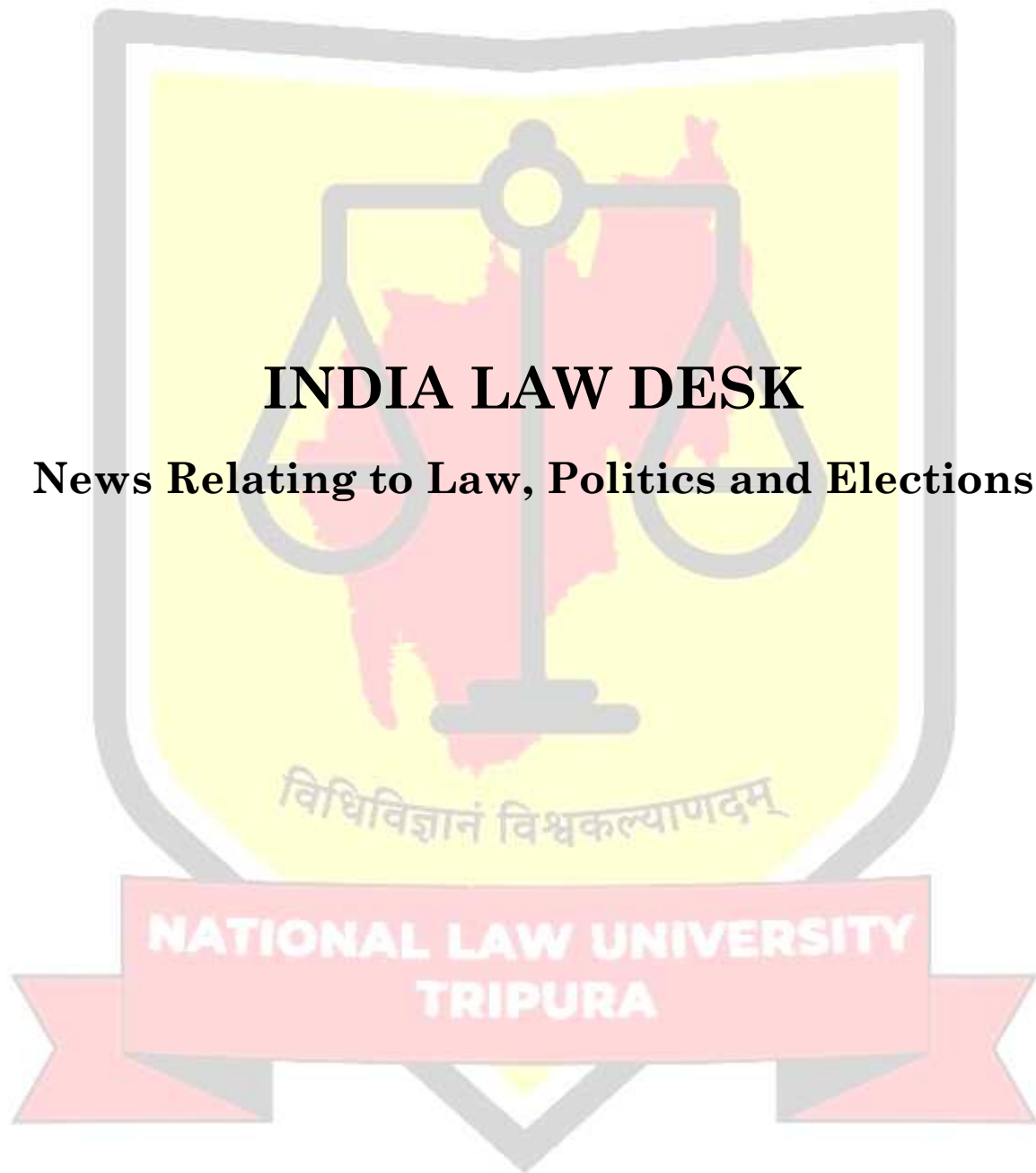
last resort."

SC said before BNS came into force, "we request Legislature to look into the issue and consider making necessary changes in Sections 85 and 86 of the BNS before both the new provisions come into force."

The SC said in all cases, a wife's complaint of harass-

ment or ill-treatment does not mechanically attract Section 498A of the IPC. "Many times, a woman's parents, including close relatives, make a mountain out of a molehill, the bench said. The first thing that comes in the mind of the wife, her parents and her relatives is the police, as if the police is the panacea of all evil. No sooner does the matter reach up to the police, then even if there are fair chances of reconciliation between the spouses, they would get destroyed," it said.

"Many times, services of professionals are availed for the same and once the complaint is drafted by a legal mind, it would be very difficult thereafter to weed out any loopholes or other deficiencies in the same," the bench said.



P5

### BJP neta in HC on Pinarayi kin's 'foreign a/cs'

**Kochi:** BJP functionary Shone George has filed an application in Kerala HC, alleging that CMPinarayi Vijayan's daughter's, now defunct company, Exalogic "parked" huge sums in an account in Abu Dhabi and Canadian company SNC Lavalin routed funds to USA through it.

The plea seeks a probe into daughter, Veena T's company under the Companies Act and action by the Serious Fraud Investigation Office. PTI



## SC turns down BJP appeal against HC ban on poll ads

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**New Delhi:** Supreme Court on Monday said BJP's newspaper advertisements targeting Trinamool Congress were prima facie disparaging and added that the issue was "a question of the independence of the Election Commission".

A vacation bench of justices JK Maheshwari and KV Viswanathan refused to entertain the BJP appeal against a Calcutta HC order that stopped such advertisements and also questioned EC for not acting promptly on Trinamool Congress's May 15 complaint against the advertisements. EC had issued notice to BJP three days later, on May 18.

"Why did EC not do anything even after the Calcutta High Court order? It is a question of the independence of EC. We are not inclined to interfere with this (HC) order. We have seen the advertisements. Do not precipitate the issue," the bench told senior advocate P S Patwalla, who appeared for BJP.

### ► 'Political rivals...', P 5

"Prima facie, the advertisements are disparaging. You can promote yourself and say you are the best. But we cannot... further (political) acrimony," Justice Viswanathan said even as Patwalla insisted that three of the four advertisements were factual.

Calcutta High Court, ear-

lier this month, had said EC had "grossly failed" to address complaints about violations of the model code of poll conduct after a Trinamool complaint against the BJP advertisements. The HC had also restrained BJP from continuing with the publication of "offending advertisements" and issuing media advertisements that violated the model code.

Justice Sabyasachi Bhattacharya held that the advertisements issued by BJP on May 4, 5, 10 and 12 in sections of the media were clearly "derogatory" and violated the code, adding that such "derogatory", "slandorous" advertisement ought to be restrained in order to ensure free, fair and untainted elections.

P1

► Continued from P 1

## Political rivals not enemies, SC tells BJP

SC told the BJP on Monday: "Political rivals are not enemies. That is the way forward."

The Supreme Court's stance forced BJP to with-

draw its appeal to approach the Election Commission. Senior advocate P S Patwalia argued that Calcutta High Court passed the order without

giving an opportunity to BJP to respond to the Trinamool Congress petition. It also did not allow the EC to take the issue to its logical conclusion.

he said.

The bench disagreed with Patwalia: "Why did the EC issue a notice after three days? Why should we interfere with

the HC order now that the last phase of election is scheduled for June 1?"

"This (such advertisements) will not be in the interest of voters. It will degenerate the (political) debate," the bench added.

P1

## SC refuses to hear plea on voter turnout data amid elections

Dhananjay Mahapatra  
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**New Delhi:** Supreme Court on Friday refused to entertain an NGO's plea for a direction to EC to declare voter turnout figures at the end of each phase of polling and said it was not inclined to issue any interim order amid electioneering.

The apex court was hearing an application filed by Association for Democratic Reforms (ADR) in its PIL pending since 2019.

ADR had sought "scanned legible copies of Form 17C Part-I (Account of Votes Recorded)" of all polling stations uploaded immediately after the polls.

**The top court agreed with Election Commission that it doesn't have to upload numbers after each phase**

SC said the turnout app was a voluntary step taken by the poll panel to inform public about approximate voting percentage.

"EC is not statutorily required to upload preliminary data. Sometimes a good initiative is like '*aa bail mujhemaar*' (counter-productive)," SC said, agreeing with EC's contention that it was not mandated to put out turnout figures after polling for each phase.

Appearing for EC, senior advocate Maninder Singh said the application was based on "suspicions, apprehensions and falsehood" and urged SC not to entertain such a plea as the "so-called PIL" was causing grave harm to the electoral process.

"Low voter turnout could possibly be due to continuous attempts by certain elements to create an atmosphere of suspicion around the electoral process," he said.

Singh said the court, in its judgment on April 26, had scrutinised every ADR allegation and dismissed it while questioning its bona fide.

► PIL factory, P 5



p5

## No facts pleaded but PIL factory is raising suspicions: EC in SC

► Continued from P 1

Counsel for the Election Commission, Maninder Singh, said in the Supreme Court: "But the PIL factory, within hours of the pronouncement of the judgment, filed this application raising another set of apprehensions based on suspicions. No fact is pleaded to substantiate the allegations." He added that as per Article 329(b) of the Constitution, no court shall call into question a parliamentary election except on filing of an election petition after the conclusion of the poll process.

Terming as false ADR's assertion that there had been a variation of 5-6% in the final voter turnout data from the preliminary statistics released by EC, Singh said the figure registered on the voter turnout app, which was based on preliminary assessment, varied from the final turnout data only by 1-2%. A vacation bench of justices Dipankar Datta and

**'Over the years, we have seen publicity interest, private interest and paisa interest petitions masquerading as PILs,' the SC said**

Satish Chandra Sharma SC repeatedly asked why ADR did not take steps for early hearing of its 2019 petition in the last five years and how it could seek interim relief which was similar to the relief sought in its 2019 petition.

Senior advocate Dushyant Dave, for ADR, admitted that the NGO was damned by SC but reminded the court that ADR had over the years played an important role in assisting the court to develop the electoral jurisprudence. Senior advocate AM Singhvi, appearing for former Trinamool MP Mahua Moitra, said Article 329(b) was never a bar for courts to initiate improvements in the electoral process to make polls fair and

transparent.

Singhvi countered EC's stand that SC's April 26 judgment covered the voter turnout percentage mandated in Form 17C. The bench agreed with Singhvi, but said: "Of the seven phases (of elections), five phases are over. The sixth one is scheduled for May 25. We have seen EC's counter affidavit. This particular compliance you (ADR) are insisting on will require not only manpower but also change ground rules. We are aware of ground realities."

"Everyone is for free and fair elections. Whatever improvement that is needed should be made. Over the years, we have seen publicity interest, private interest and paisa interest petitions masquerading as PILs. It is for us to check this...we don't say you don't have a case on merit but this is not an appropriate relief you have sought now. Very little window is left open, we cannot interrupt it. We are also responsible citizens. Let us trust some of our institutions."



P1

## EC gives absolute polling nos. day after SC refuses to step in

50.7Cr Of 76.3Cr  
Eligible Voted In  
First 5 Phases

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**New Delhi:** A day after Supreme Court declined to direct Election Commission to publish booth-wise elector data as recorded in Form 17C, the poll panel released the absolute number of eligible voters and votes cast across parliamentary constituencies in the first five phases, to set at rest "false narratives" about a "delay" in release of voter turnout data.

Of over 76.3 crore eligible voters in the first five phases of the Lok Sabha elections, as many as 50.7 crore people

First, questions are raised about purity of electoral roll, then attempts are made to discredit EVMs. Amid polling, doubts are cast over turnout data. **Pattern in raising suspicion without concrete examples when LS election is under way must be studied...**

The fact is that the polling data was always available, even as it was being updated, via the EC Voter Turnout app. **Even a Class 6 student can calculate the absolute no. of votes cast**

— Rajiv Kumar | CEC



CEC Rajiv Kumar after casting his vote in New Delhi

have cast their vote, according to data shared by the poll panel on Saturday.

The revision in format of release of turnout data came even as chief election com-

missioner Rajiv Kumar questioned the trend of repeated raising of "unfounded doubts" on the electoral processes.

► 'Pattern in raising...', P 6



P1

## No legal mandate to make final turnout data of all booths public: EC to SC

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**New Delhi:** Election Commission on Wednesday told Supreme Court in an affidavit that there was no legal mandate to provide final voter turnout data of all polling stations to any person other than the candidate or his/her agents.

The poll panel also said giving out final voter turnout numbers based on Form 17C would lead to "confusion among voters as it will also include postal ballot counts", while pointing out that turnout data of each polling booth is shared with

polling agents of candidates on the day of voting itself.

The Election Commission filed the affidavit in the apex court in response to the application by NGO 'Association for Democratic Reforms' (ADR), which has sought that final voter turnout figures of all polling stations be made public in 48 hours.

"ADR's application ignores the disclaimer to the effect that the figures in the non-statutory voter turnout app is secondary data and is only provisional in nature," Election Commission said.

► 'Mala fide effort', P 4



# Mala fide effort to keep on raising suspicion: EC

► Continued from P 1

Election Commission accused the NGO Association for Democratic Reforms' (ADR) of "trying to create entitlement when none exists in the law by way of filing an application in the middle of an election period". "In any electoral contest, the margin of victory may be very close. In such cases, disclosure of Form 17C in public domain may cause confusion in the minds of voters with regard to the total votes polled as the latter figure would include the number of votes polled as per Form 17C as well as the votes received through postal ballots. However, such difference may not be easily understood by voters and may be used by persons with motivated interests to cast aspersion on the whole electoral process cause chaos in the election machinery which is already in motion," the affidavit said.



"The voter turnout data is facilitative and a transparency initiative of the commission, in addition to extant statutory design of providing exact turnout data of each polling booth to polling agents of candidates," EC added.

The poll panel also rebutted allegations of increase in voting percentage days after polling possibly being a sign of change of EVMs and said "vested interests habitually throw baseless charges" during elections to create suspicion and discredit the exercise to demotivate voters.

**EC said other countries were looking forward to the efficacy of conduct of polls in India where 97 crore voters are exercising their franchise over seven phases**

"There are certain elements and vested interests who keep on throwing baseless and false allegations, creating unwarranted atmosphere of suspicion in close proximity of time of conduct of every elections by the EC to somehow discredit the same," EC said.

It stressed that other countries were looking forward to the efficacy of conduct of elections in the largest democracy where 97 crore voters will exercise their franchise in seven phases.


## Don't cross Lakshmanrekha: HC turns down BJP plea on ads

Subrata Chattoraj | TNN

**Kolkata:** A division bench of Calcutta High Court on Wednesday refused to interfere in a single-bench judge's order that restrained BJP from publishing "offending advertisements" in the media.

Calcutta HC Chief Justice T S Sivagnanam said parties should not cross a "Lakshmanrekha" during electioneering. "Certain utterances by people at the helm of affairs are having a great impact on the public. There should not be any personal attack. This holds equally true for the other side," he said.

A single-judge bench of Justice Sabyasachi Bhattacharya, in response to a TMC petition, said on Monday that EC had "grossly failed" to address complaints about violations of the model code of

 Certain utterances by people at the helm of affairs are having a great impact on the public. There should not be any personal attack. This holds equally true for the other side

— Calcutta HC CJ

poll conduct. He also restrained BJP from continuing with the publication of "offending advertisements" that violated the code.

The advertisements issued by BJP on May 4, 5, 10 and 12 in sections of the media were "derogatory", Justice Bhattacharya said, adding that such "derogatory", "slanderous" advertisement ought to be restrained to ensure free and fair elections.

► Seek review: CJ, P 5

### Ganguly wants EC probed by central agencies

Former Calcutta High Court judge Abhijit Ganguly on Wednesday filed a petition against Election Commission in Calcutta HC, seeking a central agency probe into why the poll panel made "wholly unwarranted and highly objectionable comments" against him with a "prejudiced mind". Ganguly, BJP's Tamluk candidate, stepped into the HC to sign his *vakalatnama* as a litigant and then headed to Moyna and Nandigram to resume campaigning after the EC-mandated bar. "I had gone to the HC to file a petition. I had some prior engagements," Ganguly told TOL.



## CJ Sivagnanam asks BJP to seek review of order before single bench

► Continued from P 1

**T**MC had approached Calcutta HC against some ads that were published on days including May 12 (a day before the 4th phase of polls and fell in the designated "silent period"). The division bench of Chief Justice Sivagnanam and Justice Hiranmay Bhattacharyya on Wednesday said they could not be asked to test the correctness of an order when

BJP had not made its submission in the single bench. The CJ, instead, directed BJP to seek review and recall of the order before the single bench.

Senior counsel Jayanta Mitra pleaded with the bench that the single bench passed the order ex-parte. Mitra also pointed out that the petitioner (TMC) was aware that the appropriate authority in this matter was EC. "This explains why Trinamool complained to

EC," he added.

EC had been granted powers for "superintendence, direction, control and conduct" of polls, the BJP counsel said, arguing that EC and not the court should take a decision on poll-related advertisements in the media. Mitra also wondered how the single bench passed the order without waiting for a day for EC to take a decision on BJP's reply to a show-cause notice.



P1

# EC 'grossly failed' to stop poll code violation: Cal HC

**Court To BJP:  
Stop 'Offending,  
Derogatory' Ads**

Subrata Chattoraj | TNN

**Kolkata:** The Election Commission had "grossly failed" to address complaints about violations of the model code of poll conduct, the Calcutta High Court said on Monday in response to a Trinamool Congress petition.

The court also restrained BJP from continuing with the publication of "offending advertisements" and issuing media advertisements that violated the model code of conduct. Justice Sabyasachi Bhattacharya held that the advertisements issued by BJP on May 4, 5, 10 and 12 in sections of the media were clearly "derogatory" and violated

## TMC HAD MOVED COURT OVER ADS

> BJP advertisements appeared on May 4, 5, 10 and 12 in sections of media

> TMC said the ads violated model code and the EC's compendium restraining parties/netas from making "unverified, unsubstantiated allegations"

> TMC also said advertiser needed to obtain a "pre-certification" from EC for

releasing ads during "silent period" (a day before or on polling day)

> EC counsel told HC it had sent notice to BJP asking if it had obtained "pre-certification" for May 12 ad

> Calcutta HC said ads clearly violated model code and such "derogatory" & "slandorous" ads ought to be restrained to ensure free and fair polls

the code, adding that such "derogatory", "slandorous" advertisement ought to be restrained in order to ensure free, fair and untainted elections.

"Any resolution adopted by the EC after June 4 means nothing," Justice Bhattacharya observed in response to a Trinamool plea that the EC had sat on its complaints.

Trinamool went to the HC against some ads in Bengali

that were published on days including May 12 (a day before the fourth phase of polling and fell in the "silent period"). Trinamool counsel Jishnu Saha pleaded that the advertisements violated the model code and the media compendium issued by EC restraining political parties and leaders from making "unverified, unsubstantiated allegations either directly or implied" aga-

inst political opponents. Saha also submitted that the advertiser needed to obtain a "pre-certification" from the EC in case it wanted to release an advertisement during the "silent period" (a day before polling or on polling day).

Trinamool had been complaining to the EC since May 4, drawing its attention to BJP's "misleading" ads and urging for a level playing field while the election was on, Saha said. "But there was no response from EC. The first response came on the day we filed a writ petition in the HC on May 18," he added.

EC counsel Laxmi Gupta submitted to the court that the commission had already issued a show-cause notice to the BJP asking whether it had obtained the EC "pre-certification" before releasing the advertisement on May 12.

► 'Not trying to...', P 2

P2

## 'Not trying to interdict poll process'

► Continued from P 1

EC counsel Laxmi Gupta said, "The date for the BJP reply is May 21 (Tuesday)." Gupta urged the court to wait for a day because the EC was the appropriate decision-making authority. "Any court decision might prejudice an EC decision," Gupta said.

He also handed several EC resolutions to the court as evidence that the EC was not sitting on complaints.

The court, after going through the EC submissions, was not satisfied with the EC stance and held it was simply "passing of the buck". The court also held that the EC's "advisory" powers were "illusory" because it did not have the power to take steps against offenders other than issuing a censure.

The court then invoked its powers under Article 226 of the Constitution to ensure free, fair and untainted elections, putting on record that it was not trying to interdict the election process but was trying to facilitate it.

MAY 15, 2024

## 'LG may act': SC dismisses plea seeking Delhi CM's sacking

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**New Delhi:** Supreme Court on Monday dismissed a petition to sack Delhi chief minister Arvind Kejriwal, who is on interim bail till June 1 in the excise policy case, but reiterated its concern about the propriety of a CM continuing in the constitutional post even after his arrest.

In a special leave petition, one Kant Bhati had challenged Delhi HC's April 10 decision rejecting a writ petition by former AAP MLA Sandeep Kumar seeking removal of Kejriwal, arrested on March 21. Noticing Kant was not even a petitioner before HC, which has dismissed four PILs, SC said, "LG will take action if he wants to... We are not inclined to interfere with the impugned judgment of HC." Justices Sanjiv Khanna and Dipankar Datta did not even allow Bhati's counsel to open arguments and asked, "What is your legal right to seek removal of Kejriwal? Why should we go into all this?"

► Can't remove: HC, P 7



## Can't remove Kejriwal from CM post: HC

► Continued from P 1

The bench said the petitioner may have had something to say on propriety of an arrested person to continue as Delhi CM. "We had raised propriety issue when the other matter (Kejriwal's petition challenging his arrest by ED) came up before us."

In its April 10 order dismissing Sandeep Kumar's PIL, HC acting chief justice Manmohan and Manmeet P S Arora had said, "This court is of the view that there is no scope for judicial interference in the present matter. This court in writ jurisdiction cannot remove or dismiss Kejriwal from the post of CM of Delhi or declare breakdown of constitutional machinery in the state. It is for the other organs of the State to

**The Supreme Court bench had granted interim bail to Kejriwal till June 1 to enable him to campaign for the general elections**

examine the said aspect in accordance with law".

The bench of Justices Khanna and Datta had granted interim bail till June 1 to Kejriwal to enable him to campaign for the general elections but had barred him from visiting CMO and Delhi Secretariat; bound him to his statement that he would not sign any official files not make any comment on his role in the excise case; and, not interact with witness nor access files connected to the case.

MAY 18, 2024

P1

## Don't do pressers as media not neutral, says PM Modi

**New Delhi:** PM Modi on Thursday justified his decision not to hold press conferences by saying that the nature of media had changed and it was not the neutral entity that it used to be, with journalists promoting their views and ideologies.

"I am answerable to Parliament. Today, journalists are identified with their own preferences. Media is no longer a non-partisan entity. People are now aware of your beliefs

as well. Earlier, media used to be faceless... who is writing in the media, what is its ideology... nobody was bothered about it earlier. However, the situation is not the same any more," Modi said in an interview to Aaj Tak Hindi.

He said a new culture had developed in politics which was centred on managing the media and not being concerned about performance. TNN

► Nehru first person..., P 7

P7

# Nehru first person to tamper with Constitution, says Modi

► Continued from P 1

**P**M Narendra Modi said, "However, I don't believe in treading that path. I have to work hard and reach out to each household of the poor. I can also get clicked cutting ribbons in Vi-



gyan Bhavan. However, I go to a small district in Jharkhand for a minor project. I have brought a new work culture and it is for the media to take a call whether they endorse it or not."

Asked about allegations that Election Commission's independence had been compromised on his watch, Modi shot back by recalling instances of CECs taking to politics and holding ministerial positions after their retirement under Congress regi-

mes and by pointing out that the EC was a single-member entity for 56 years.

"The funny thing is that people who came out of EC sometimes became governors. Sometimes they became MPs. Sometimes they went to contest parliamentary elections against Advani ji, they are examples of the people who served as chief election commissioner under previous govts. Election commissioners from that era, now retired, still tweet promoting the same political philosophy. They give their opinion and write articles. This only shows that it is only now that the EC has become completely independent," the PM said, a reference to former CEC T N Seshan contesting polls against L K Advani and M S Gill being nominated to Rajya Sabha and later becoming a Union minister under UPA.

In response to the opposition's allegations that 400+ seats were meant to change the Constitution, Modi said, "Who was the first person to tamper with the Constitution in this country? It was Pandit Nehru. The amendments he brought were meant to restrict freedom of speech, which was against democracy and against the Constitution. After that, his daughter (Indira Gandhi) overturned a court judgment and imposed an Emergency. Rajiv Gandhi overturned the Supreme Court judgment in the Shah Bano case and imposed restrictions on the media. The crown prince of Congress (Rahul Gandhi) once tore down the decision of the Union Cabinet," he said.

The PM said four different members of the same family had insulted the Constitution at different times.



MAY 21, 2024

## Teen seen voting for BJP 8 times in video, detained

**Lucknow:** A viral video showing the 17-year-old son of a gram pradhan purportedly voting eight times at a polling station in UP's Farrukhabad constituency on May 13 led the authorities to file an FIR and detain him late on Sunday, initiate disciplinary proceedings against officials managing the booth, and recommend a repoll.

SP chief Akhilesh Yadav, Wayanad MP Rahul Gandhi, and Congress's X handle were among those who shared the video showing the offender flashing different ID

### CASE REGISTERED

► FIR registered under various sections, including those related to **violation of secrecy of voting**, says UP's chief election officer

► Boy's father says he was taken by polling agents 'to **participate in EVM machine inspection/randomisation**'

cards at intervals and appearing to press the EVM button in front of BJP candidate Mukesh Rajput's photo and the lotus symbol. TNN

► **Rahul, Akhilesh share, P 5**

## Rahul & Akhilesh share video of 'loot'

► Continued from P 1

The boy is seen wearing two shirts in the video of multiple frames stitched together.

In a statement, UP's chief election officer Navdeep Rinwa said: "An FIR has been registered under Sections 171-F and 419 (impersonation) of IPC, and 128 (violation of the secrecy of voting), 132 (misconduct) & 136 (fraud) of the Representation of People Act, 1951 at Nayagaon police station in Etah district."

"My son pressed the ballot several times, shot the video and later shared it."

SP chief Akhilesh shared the video at 4.05pm Sunday from his official X handle with a post, "If EC feels this is wrong, then it

must take some action, otherwise... BJP's booth committee is actually a loot committee."

Rahul wrote, "Seeing its defeat, BJP wants to loot democracy by pressuring the government machinery to deny the mandate. Congress expects from all the officers performing election duty that they should not forget their constitutional responsibility under the pressure of power. Otherwise, as soon as the Indian government is formed, such action will be taken that anyone will think 10 times before insulting the oath of the Constitution."

The Etah district administration said it acted after "taking serious cognisance of the tweet posted by Akhilesh Yadav".



# Soren involved in land scam, tried to alter records: ED to SC

## 'Campaigning Not A Fundamental Right, Deserves No Relief'

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**New Delhi:** A day before Supreme Court hears ex-Jharkhand CM Hemant Soren's plea against his arrest in a money laundering case, Enforcement Directorate on Monday filed an affidavit in the top court with documentary evidence about how he clandestinely acquired 8.8 acres of prime land in Ranchi and used his powers to change the records after ED issued summons to him.

The agency also told SC through the affidavit, filed in response to Soren's appeal challenging a Jharkhand HC judgment rejecting his petition, that once the ex-CM was caught for his wrongdoings and documents were seized during raids, he resorted to filing FIRs against ED officials under the SC/ST (Prevention of Atrocities) Act to deter them from continuing with the probe.

Soren had filed the case against ED officials on the day of his arrest on Jan 31. HC had stayed the proceedings under SC/ST Act



**Hemant Soren's counsel Kapil Sibal had last week informed Supreme Court that the land in question did not belong to the ex-CM and that ED had filed the case under PMLA just to immobilise an opposition politician ahead of elections**

against ED officials and provided protection to them.

Soren's counsel Kapil Sibal had last week informed a bench of Justice Sanjiv Khanna and Justice Dipankar Datta that the land in question did not belong to the ex-CM and that ED had filed the case under Prevention of Money Laundering Act just to immobilise an opposition politician ahead of elections. Soren is seeking interim bail, placing his case on par with Delhi CM Arvind Kejriwal who is booked in a PMLA case relating to the Delhi liquor scam case.

In the affidavit, ED attached photographs of purported official attempts to alter land records after summons were issued to Soren.

The agency also attached photographs of huge amounts of cash seized during various raids in connection with the land scam against Soren and his alleged accomplices. Soren's petition is listed for hearing before a vacation bench of Justices Dipankar Datta and SC Sharma on Tuesday.

As in the case of Kejriwal, who was granted interim bail on May 10 till June 1 to enable him to campaign during the Lok Sabha elections, ED reiterated its stand that campaigning was neither a fundamental nor a constitutional right and that if interim bail was granted on this ground to one in custody, then no politician could ever

be kept in custody for their wrongdoings as elections, in one form or the other, were held round the year in India.

ED said Soren's accomplices prepared fake documents to camouflage his ownership of the illicitly acquired land, for which he and his architect had allegedly finalised a plan to build a banquet hall. The agency said, "During investigation, the role of many senior bureaucrats were found involved — former state mining secretary Pooja Singhal in MGNREGA scam and coal scam, ex-DC of Ranchi Chhavi Ranjan in land scam, ex-principal secretary to CM Rajeew Arun Ekka in the scam relating to transfer and posting of officials and tender scam.

"These persons are acting in the garb of state machinery and conducting illegal activities. However, the Jharkhand govt took no action against them even after information under Section 66(2) of PMLA was shared. The ex-CM shielded these persons and till date continues to exercise influence over the administration."



THE TIMES OF INDIA

MAY 19, 2024

## Social media 'hate' post: K'taka cops summon Nadda, Malviya

**Bengaluru:** Bengaluru Police has summoned BJP president J P Nadda and the party's IT cell head Amit Malviya in connection with a social media post allegedly intimidating members of SC and ST community not to vote for a particular candidate, officials said on Wednesday.

They have been asked to join the probe at the High Grounds police station here.

"For the purpose of investigation of the said case, you are hereby directed to appear before the undersigned investigation officer at 11 am at High grounds police station within seven days of receipt of this notice," the summons read.

The move comes after an FIR was registered against Nadda, Malviya and BJP's Karnataka unit chief B Y Vijayendra in connection with a social media following a complaint filed by the Karnataka Pradesh Congress Committee (KPCC) with Election



J P Nadda and Amit Malviya

Commission and police on May 5 alleging violation of model code of conduct. They were booked under sections of Representation of People Act and Section 505 (2) (Statements creating or promoting enmity, hatred or ill-will between classes) of the Indian Penal Code, a senior police officer said.

In the complaint, the KPCC cited the video uploaded on social media platform X by the official account of Karnataka State BJP which, it alleged, is operated by Malviya, on instructions of Nadda and Vijayendra, BJP State President and Social Media incharge- Karnataka BJP,

on May 4.

"The said video posted on social media featured animated characters of (Congress leader) Rahul Gandhi and (chief minister) Siddaramaiah. In the clip, SC, ST and OBC community are portrayed as "eggs" in a nest and it also suggested Rahul Gandhi planting a big egg labelled as Muslim community. It is projected as though funds are being fed to the chick depicting the Muslim community, which then kicks out SC, ST and OBC community," it alleged.

"The act of the accused person (s) is to wantonly provoke rioting and promote enmity between different religions and is prejudicial to maintenance of harmony apart from intimidating members of SC/ST community not to vote for particular candidate and causing enmity against members of SC/ST community," the complaint alleged. PTI

P-17

## The Election Argument

*SC does right to give Kejriwal interim bail*

SC had indicated last week that it may give Arvind Kejriwal bail because of elections, and it followed through yesterday. AAP is a national party, in govt in Delhi, which votes on May 25, and in Punjab, which votes on June 1. Besides being the party chief, Kejriwal is also the chief minister of Delhi. In the past, of course, AAP campaigns in both Delhi and Punjab have been very much helmed by Kejriwal. While only time will tell how much his return to the campaign trail will affect voters, the uplift of party workers' spirits is already evident.



The court order takes pains to clarify that this is not about "placing politicians in a benefic position compared to ordinary citizens". It notes that Lok Sabha elections provide the *vis viva* (kinetic energy) to a democracy. To ignore elections' prodigious importance in examining the grant of interim bail to an electorally significant figure, the court said, "would be iniquitous and wrong". What do precedents say? That

even when regular bail would not be justified, interim bail can be granted under compelling circumstances. That in Chandrababu Naidu's case too, SC has "deleted the condition restraining the respondent" from participating in the political process.

As part of its reasoning for interim bail, the court also cited the timing of Kejriwal's arrest in March this year, when the investigation has been pending since August 2022. These matters will resume in court after Kejriwal's bail period, which ends on June 1. But for now, the court has done right to put the interests of democracy over other issues.



THE TIMES OF INDIA  
MAY 12, 2024

## HC raps Kabir speech, EC sends MLA notice

Subrata Chattoraj &  
Debashis Konar | TNN

**Kolkata:** Calcutta High Court on Friday prohibited Trinamool MLA **Humayun Kabir** from making comments based on the population demographic in an area.

A division bench of Chief Justice T S Sivagnanam and Justice Hiranmay Bhattacharyya directed the Murshidabad district magistrate to give wide publicity to the court order, ahead of the third phase of Lok Sabha elections, when Behrampore goes to polls.

EC issued a show-cause notice to Kabir for his com-

ments after the April 17 Ram Navami clashes in Murshidabad and asked him to respond by noon of May 13.

The notice said the poll panel had gone through the contents of the speech and found it to be violative of the model code of conduct. The HC division bench took note of an FIR lodged by Saktipur police against the Bharatpur MLA. The counsel for VHP drew the division bench's attention to the FIR. The NIA counsel submitted that the central agency had already commenced a preliminary inquiry into the inci-

dent and sought some time to submit the report.

"Taking more time might dilute the issue," the CJ observed, and asked the NIA counsel to take note of the reports already submitted by the Murshidabad SP and the CID DSP.

"The two reports mention bombs were used in several places. You should do a preliminary inquiry and submit a report whether the bombing incidents come under the scheduled offence. You should also indicate whether there was a need for a probe by the central agency," the CJ said.



The division bench fixed the next hearing on June 13 and directed NIA to submit the preliminary inquiry report by then.

Kabir said: "I have received the HC order from the DM's office... I honour the MCC and have been doing so all through my political career. I said something following the comments by UP CM Yogi Adityanath, who said those involved in riots should be hanged, even though no riot actually took place. However, instead of the entire speech, only an edited version of 32 seconds was submitted to EC. I will submit my reply to EC with my entire speech."

P-20



MAY 8, 2024

P1

## No immediate relief for Kejriwal from SC in excise policy case

**New Delhi:** Delhi chief minister **Arvind Kejriwal** failed to get any relief from Supreme Court on Tuesday, with a two-judge bench rising without pronouncing an order on granting him interim bail to enable him to campaign in the Lok Sabha elections. Kejriwal has been accused of money laundering in a case linked to the alleged Delhi excise scam.

A bench of justices Sanjiv Khanna and Dipankar Datta, which reserved its order on grant of interim bail earlier during the day and said it will be pronounced at 2pm, rose without delivering its verdict.

The bench reserved its decision after hearing the arguments put forth by senior advocate Abhishek Singhvi and additional solicitor general S V Raju, who appeared for Kejriwal and En-

forcement Directorate, respectively.

Solicitor general Tushar Mehta, who also appeared for the probe agency, staunchly opposed showing any leniency to Kejriwal on account of the Lok Sabha polls and said granting interim bail to the



Aam Aadmi Party (AAP) national convener would amount to creating a separate class for politicians.

The bench has divided the hearing on Kejriwal's petition against his arrest into two parts. His main petition challenges his arrest by ED and seeks it to be declared as illegal, while the second aspect pertains to grant of interim bail keeping in mind the ongoing Lok Sabha polls. The court has reserved the order on the issue of grant of interim bail. PTI

► 'Hearing next wk', P 8

P8

## Next Kejriwal case hearing likely by next week, says SC

► Continued from P 1

Before rising for the day, the bench indicated that on Wednesday the judges will be sitting in different combinations, and if the hearing on matters listed for Wednesday gets completed and the judges have time in hand, they would resume hearing Arvind Kejriwal's plea against his arrest by the ED.

"If not tomorrow, then we may take up the matter on Thursday. If not on Thursday, then we will be taking up this matter next week," said Justice Sanjiv Khanna, without specifying any time frame for pronouncement of verdict on the issue of interim bail.

Meanwhile, a Delhi court extended Kejriwal's judicial custody in the money laundering case till May 20.

Special Judge for CBI and ED matters Kaveri Baweja extended Kejriwal's custody after the AAP leader was produced before the court through a video conference on the expiry of his remand granted earlier. Kejriwal was arrested on March 21 and is currently lodged in Tihar jail under judicial custody. On April 9, Delhi HC had upheld Kejriwal's arrest, saying there was no illegality and the ED was left with "little option" after he skipped repeated summonses and refused to join the investigation. २११

MAY 7, 2021

P1

**Attempt to  
murder FIR  
against Ganguly**

Police on Sunday registered an FIR against retired judge Abhijit Ganguly on charges of attempt to murder, defamation of women and assault. The FIR, lodged at Tamluk police station, also named BJP functionaries and workers with charges under various IPC sections and the Arms Act. The FIR is based on a complaint by the Trinamool primary teachers' association chief. Under Section 307 IPC, attempt to murder is a non-bailable offence.



MAY 5, 2024

P1

## May consider interim bail for Kejriwal due to polls: SC

AmitAnand.Choudhary  
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**New Delhi:** Supreme Court on Friday said it may consider whether interim bail could be granted to Delhi chief minister **Arvind Kejriwal** or not in view of polling in the capital in three weeks, as deciding on the AAP chief's plea challenging his arrest in the excise policy case may take time given that it involved larger issues related to action under the PMLA.



At the end of the day's proceedings, which remained inconclusive, a bench of justices Sanjiv Khanna and Dipankar Datta indicated that it may have to consider interim bail for Kejriwal but made it clear to both ED and Kejriwal that it was not expressing a view one way or another.

"We are going to hear you both. We must be open to you, because neither side should be taken by surprise. Do not assume anything, do not read anything into it," the SC bench said and asked both sides to come prepared on May 7.

It asked ASG SV Raju to seek instructions from ED regarding conditions which should be imposed if bail is granted.

"This case may take time ... we may consider the question of interim bail, because of the elections," the bench told the ASG.

The court is left with only two weeks before going into summer recess.

► Higher than normal, P 5

## Higher-than-normal threshold of arrest under PMLA: SC

► Continued from P 1

Opposing the proposition of interim bail, ASG SV Raju told the bench that AAP MP Sanjay Singh, who was earlier granted bail in the exercise case, was making all sorts of statements after coming out of jail. The court said it would hear the ASG before grant of any relief and asked senior advocate Abhishek Manu Singhvi whether **Arvind Kejriwal** would be signing any files as he's Delhi CM.

Voting for the seven Lok Sabha seats in Delhi is scheduled for May 25, while polling in Punjab is in the last phase on June 1. Kejriwal, who was arrested on March 21, has questioned the timing of his arrest and accused Centre and ED of trying to disturb AAP's campaign.

Kejriwal's petition raised a larger issue on interpretation of Section 19 of PMLA, which says if an ED officer, on the basis of material in his possession, has reason to believe (that reason for such belief to be recorded in writing) that any person was guilty of money laundering, then he may arrest such person and inform him of the gro-



unds for such arrest.

The bench said it has to be examined

how far the court can go to examine whether the objective materials are sufficient enough to trigger arrest and the subjective decision of the officer. The court said there was a higher-than-normal threshold of arrest under PMLA.

Countering ED's allegation that Kejriwal, as convenor of AAP, was the brain behind the alleged scam, Singhvi said like Manish Sisodia's case, there was no money trail leading to him and said a political party was not covered under PMLA to be made an accused. The bench, however, expressed reservation in accepting the submission and said a political party, like a registered society, could be implicated.

"Person in charge of and responsible is also deemed to be culpable and then the onus shifts on you to show that it was done without your knowledge. You are wrong here," the bench told Singhvi.

The hearing will resume on Tuesday.

PS

## Petition to bar PM from polls devoid of merit: HC

TIMES NEWS NETWORK

**New Delhi:** Terming it "thoroughly misconceived", Delhi High Court on Monday dismissed a petition that sought directions to disqualify Prime Minister Narendra Modi from contesting elections for six years for allegedly seeking votes in the name of deities.

Justice Sachin Datta



said the plea was "devoid of any merits" and pointed out that the petitioner had approached court while his plea before the Election Commission of India is still pending.

Petitioner

Anand S Jondhale, a lawyer, had urged the court to act against Modi for allegedly seeking votes in the name of gods and places of worship, saying

this amounted to violating the model code of conduct and committing an offence under IPC and Representation of the People Act.

But HC said his plea is thoroughly misconceived and listed multiple reasons, including that once the petitioner submitted a complaint to EC on April 10, there was no reason for him to invoke the extraordinary jurisdiction of the high court.



MAY 1, 2024

# SC questions ED on timing of Kejriwal's arrest, seeks reply

**'Life, Liberty Exceedingly Important; Can't Deny It'**

**New Delhi:** Terming life and liberty as "exceedingly important", Supreme Court on Tuesday questioned Enforcement Directorate on the timing of Delhi chief minister **Arvind Kejriwal's** arrest ahead of the general elections in the excise policy-linked money laundering case.

A bench of justices Sanjiv Khanna and Dipankar Datta, which continued hearing on Kejriwal's plea challenging his arrest for the consecutive day, posed several queries to additional solicitor general SV Raju, appearing for ED, and sought his



Punjab CM Bhagwant Mann leaves Tihar jail after meeting Delhi CM Arvind Kejriwal on Tuesday

reply on Friday.

"Life and liberty are exceedingly important. You can't deny that," the bench told Raju and sought his reply, saying, "the last question is with regard to the timing of the arrest, which they have pointed out, the timing of the arrest, soon before the general elections."

The bench also flagged the long time gap between

initiation of adjudication proceedings in the case and the action of arrest, saying the section 8 of Prevention of Money Laundering Act provides a maximum limit of 365 days. The apex court is likely to continue hearing on Kejriwal's plea on Friday as the two judges will be sitting in different combinations from Wednesday.

It said, "Mr Raju, we have

some questions, which we would like you to answer, when you make your submissions. First is without there being any adjudicatory proceedings, can the ED initiate a criminal proceedings in view of several judgments of this court on PMLA."

The bench said in this case there are no proceedings of attachments so far and if there are any such proceedings, then ED will have to show how petitioner (Kejriwal) is connected to it.

Justice Khanna said the verdict on the bail plea of former deputy CM Manish Sisodia, who is in custody in the excise policy scam case, was divided into two parts — the first part was in favour of Sisodia and the second part was against him. "You (Raju) have to tell us which part of Sisodia verdict does the petitioner (Kejriwal) case lie," the bench said. **PTI**

► 'Onus on accused', P 8

## 'Onus on accused for bail in PMLA case'

►Continued from P 1

Justice Sanjiv Khanna said the third important question relates to ED's power of arrest as it is the reason why Arvind Kejriwal has repeatedly approached the court.

"Look, they have not openly stated but it is quite apparent why they are repeatedly coming up against the remand because what they believe is that the threshold of section 19 of PMLA casts an onus on the prosecution and not on the accused," Justice Khanna told Raju.

Elaborating his question, Justice Khanna said that under section 19 of the PMLA, the threshold is fairly high whereas the onus shifts on the accused when he seeks bail under section 45 of the Act.

Section 19 of the PMLA empowers the ED to arrest persons based on the material in its possession, providing a reasonable basis to suspect that an individual has com-

mitted an offence punishable under the law.

Under section 45 of the PMLA, there are two conditions for grant of bail to an accused which include the prosecutor be given an opportunity to oppose the bail plea and second the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

The bench told Raju, "So, how do we interpret it? Do we make the threshold much higher and ensure that the standard is the same as to find the person who is guilty but then we have to deal with benefit of doubt and other things?"

It added that what is bothering the court is the time gap between the initiation of proceedings and the repeated complaints being filed because all this have consequences as PMLA provides for a maximum of 365 days. PTI



## Trust Is Key

As SC again hears petitions on poll process, EC should consider increasing VVPAT verification

Supreme Court is back to dealing with the tricky issue of trust in the integrity of India's election process. It's an important issue, but one where the apex court's repeated interventions have failed to quell doubts. We are now in the midst of one more attempt.

- **EVMS to stay** | EVMs were introduced for 2004 Lok Sabha elections. Govts have come and gone since, and in general EVMs are seen as an improvement over paper ballots. Therefore, SC did well to quash the idea calling for a return to ballots.

- **VVPAT comes in** | A voter verified paper audit trail is connected to an EVM device. It allows a voter a chance to verify that the choice is captured accurately and also creates a paper trail to resolve any subsequent dispute. It was SC in 2013 (*Subramanian Swamy vs UOI*) that ordered the introduction of VVPAT. Its logic was that it's an essential part of the election process.



This intervention was meant to get adequate buy-in of the electorate in the integrity of elections. However, till this day it's an issue that hasn't been laid to rest. It can't be ignored as an electorate's trust in an election's integrity is what holds up democracy.

- **2019 intervention** | Ahead of 2019 LS elections, SC took an extra step (*N Chandrababu Naidu vs UOI*). In response to a petition seeking verification of 50% of VVPAT slips in each constituency, EC put out a statistical reason to oppose it. Indian Statistical Institute had told EC that 479 randomly picked EVMs for VVPAT verifications would generate results with over 99% accuracy. EC said it was already verifying eight times the number. Once again, to buy-in electorate trust, SC ordered a five-fold increase in VVPAT verification.

- **Time's not the issue** | Any increase in VVPAT verification will delay results, said EC in court. But time's not anymore a relevant issue. To illustrate, in 2004, LS polls along with that of four state assemblies were completed in a little over three weeks. This year, the polls will take a little over six weeks.

US has been a deeply divided society after the breakdown of trust over election results in 2020. India shouldn't go that way. But having introduced VVPATs to quell doubts in 2013, we remain unsure of the adequate level of verification needed. EC should consider increasing VVPAT verification.



APRIL 19, 2024

## Kejriwal eating sugar-rich food to get medical bail: ED

**New Delhi:** Delhi chief minister **Arvind Kejriwal**, arrested in an excise scam case, is eating foods high in sugar like mangoes and sweets every day despite having type 2 diabetes to create grounds for medical bail, ED claimed before a court here on Thursday.

The agency made the claim before special judge for CBI and ED cases, Kaveri Baweja, who directed the Tihar jail authorities to file a report in the matter, including Kejriwal's diet chart. The judge directed the authorities concerned to file the report by Friday, when the court is likely to take up the

matter again.

ED claimed that Kejriwal was consuming such foods to seek bail on medical grounds, or shift to a hospital. "Kejriwal is consciously consuming items like tea with sugar, man-



go, banana, sweets (1 or 2 pieces), poori, aaloo sabji, etc. on regular basis, despite being a patient of diabetes mellitus type 2 and knowing very

well that consumption of such items results in increase in blood sugar. This is being done to create a medical emergency to obtain sympathetic treatment from the court of law on medical grounds," ED told the court. PTI

P1  
**Criminal trials  
against MLAs,  
MPs speeded up**

Supreme Court's constant monitoring of progress of trials in criminal cases against MPs and MLAs has shown encouraging results with designated courts rulings on 2,018 out of 4,697 pending cases in 2023, reports **Dhananjay Mahapatra**. However, another 1,746 cases were added against legislators last year, taking the pendency to almost 4,500.

Out of 2,810 candidates contesting first and second phase of this Lok Sabha elections, 501 (18%) face criminal cases. Of these, 327 cases are serious in nature (punishable with jail for five years and more).

## CBI arrests Kejriwal, gets three-day custody

**New Delhi:** The CBI formally arrested Delhi chief minister **Arvind Kejriwal** on Wednesday and sought his five-day custody in a corruption case related to the alleged excise scam. Special judge Amitabh Rawat later sent Kejriwal to CBI custody for three days.

In his submission before the court, Kejriwal claimed innocence and said his former deputy Manish Sisodia as well as AAP were innocent.

The agency arrested the AAP leader after getting permission from the judge. It moved the application seeking Kejriwal's arrest after he was produced before the court from Tihar jail. The AAP leader is lodged in prison in an excise scam money laundering case being probed



by Enforcement Department.

Kejriwal told the court, "It is being shown in the media, citing CBI sources, that I have put the entire blame on Manish Sisodia in a statement. I have not given any statement that Sisodia is guilty or anyone else is guilty. I have said Sisodia is innocent, AAP is innocent, I am innocent."

"Their entire plan is to defame us in front of the media. Please record that all these have been run in media through CBI sources," he added. Kejriwal also claimed that CBI was sensationalising the issue. "It needs to be clarified. This will be the top headline in all the newspapers. They aim to sensationalise the matter," he said.

► 'Kejriwal co-accused', P 5

## CBI: Kejriwal, co-accused need to be confronted with evidence

► Continued from P 1

The CBI counsel, however, said that they had argued on facts and that no agency source had stated anything. To this, the judge said that the media picks up online.

"It is very difficult to control media that way," he added. In the application seeking Kejriwal's custody, the CBI told the court that he was required to be quizzed to unearth the larger conspiracy in the matter. It also said that the Delhi chief minister was required to be confronted with evidence and other people accused in the case. "We need



his custodial interrogation... he is not even recognising that (co-accused) Vijay Nair

was working under him. He says Nair was working under Atishi Marlena and Saurabh Bhadwaj. He puts the entire onus on Manish

Sisodia (also accused in the case). He has to be confronted. He has to be shown documents," the CBI said. The agency claimed that the "south lobby" visited Delhi when the COVID-19 wave was at its peak.

Federal agencies had earlier claimed that a so-called "south lobby" dictated the formulation of the now-

scrapped excise policy and that the chief minister was involved in all this.

"Deaths were happening. They prepared a report and gave it to Abhishek Boinpally. It was sent through Vijay Nair to Manish Sisodia. There was no meeting called. Signatures were obtained on the same day. That was the haste... when there is Covid, who was at the helm of affairs? The chief minister. It is his direction. South lobby is sitting in Delhi and they see to it that it's done," the CBI told the court, in reference to the now-scrapped Delhi excise policy. The CBI also accused Kejriwal of making "unnecessary allegation of malice".



P1

## HC stays trial court bail to Kejriwal, AAP to move SC

New Delhi: Delhi High



Court on Tuesday stayed the trial court order granting bail to CM Arvind Kejriwal in the money laundering case arising from the alleged excise scam, holding that the lower court did not "appropriately appreciate" the material placed before it by ED. AAP said it would challenge the HC order in Supreme Court.

A vacation bench of justice Sudhir Kumar Jain said ED's contentions assailing the bail order required serious consideration. "The vacation (trial) judge while passing the impugned order did not appropriately appreciate the material/documents submitted on record and pleas taken by ED and the averments/grounds as raised in the petition under section 439(2) of the Code require serious consideration," it said. "Accordingly, the present application is allowed and the operation of the impugned order is stayed," the court said.

The trial court, presided over by vacation judge Niyay Bindu, had granted bail to Kejriwal on June 20 and ordered his release on a personal bond of Rs 1 lakh.

► 'Didn't consider...', P 18

## Trial court didn't consider material on record: HC

► Continued from P 1

The ED moved the high court the very next day and contended that the trial court's order was "perverse", "one-sided" and "wrong-sided" and it was passed without granting it adequate opportunity to argue the case.

In the 34-page order on the ED's application seeking a stay on the operation of the bail order, Justice Jain asserted that every court is under an obligation to give sufficient opportunity to the parties to present their respective case and, in the instant case as well, ED ought to have been given adequate opportunity to advance arguments on **Arvind Kejriwal's** bail application.

Justice Jain said the trial judge not only did not discuss and consider the arguments made by the anti-money laundering agency, including those advanced in the written submissions, it also did not discuss and record its view with respect to the "twin condition" requirement under section 45 of the Prevention of Money Laundering Act (PMLA) while granting bail.

Under section 45 of PMLA, an accused can be granted bail subject to the "twin conditions" that the court is prima facie satisfi-

ed that he is not guilty of such offence and the prosecutor has been given an opportunity to oppose the application for bail. The issue regarding Kejriwal's vicarious liability as the head of the Aam Aadmi Party (AAP) also did not find any place in the bail order, the court added.

"The perusal of the Impugned Order is reflecting that the Vacation Judge has passed the Impugned Order without going through and appreciating the entire material brought on record by the rival parties which reflects perversity in Impugned Order. There is factual force in the arguments advanced by Sh. S. V. Raju (for ED) that the Vacation Judge has not passed the Impugned Order after due consideration of entire material on record," the court opined.

"Sh. S V Raju opened the arguments by referring to the para no. 16 of the Impugned Order wherein the Vacation Judge has observed that it is not possible to go through thousands of pages of documents filed by the respective parties but it is the duty of the court to work upon the matter whichever comes for consideration and passed the order in accordance with law," it said. ■



P-18

P6

## ED: ₹135cr assets of Leaps & Bounds directors attached

Subrata Chattoraj | TNN

**Kolkata:** ED, which is investigating the alleged proceeds of the crime in the cash-for-jobs case, submitted to Calcutta High Court on Wednesday that it had attached properties worth around Rs 135 crore belonging to the directors of Leaps & Bounds Pvt Ltd and had come across other assets worth Rs 10 crore.

ED counsel Dhiraj Trivedi said the adjudicating authority had approved the entire attachment. ED and CBI also submitted progress reports of the investigation in sealed covers.

Justice Amrita Sinha reminded the ED counsel about two earlier orders in which the agency was directed to identify the proceeds of the crime and to ascertain the source of income of the company and its directors.

After perusing the ED report, Justice Sinha observed that the attachment was much shorter than the list of properties the

agency had submitted.

Trivedi submitted that a hearing by the adjudicating authority was scheduled for May 9 and the counsel was confident that the agency would be able to provide documents, substantiated with facts, to justify the provisional attachment that was pending approval.

ED also included the forensic report of the voice samples of Leaps & Bounds chief operating officer Sujay Krishna Bhadra. "We received the report from the forensic laboratory on April 2," Trivedi said. "But what have you been doing with the report? Have you made any progress in the investigation?" the judge said. "I need records," she said.

Trivedi referred to an SC order directing no coercive steps against "kingpin" Manik Bhattacharya till Sep 20. "We are moving the apex court praying for dropping of protective cover... This has impeded the investigation to some extent," Trivedi said.



## Where is the direction to increase the paper count?: SC

►Continued from P 1

The SC said: "We cannot control the election. The judgment of the court did say VVPAT... but where is the direction to increase the paper count? Can we issue mandamus on the basis of suspicion?" The SC, on the pre-

vious hearing on April 18, had virtually ruled out the possibility of returning to ballot paper. The bench, on the previous hearing on April 18, had virtually ruled out the possibility of returning to ballot paper, and said there was a huge drawback with the system and use of EVMs had stood the test of time with

increasing voting percentage reflecting voters' faith in it. Though the court had reserved its verdict earlier, it held another hearing on Wednesday to clear doubts regarding the technical functioning of EVMs and a deputy election commissioner, like on the last occasion, answered the court's queries.

P1  
**Court extends  
judicial custody  
of Kejriwal &  
Kavitha till May 7**

**New Delhi:** A Delhi court on Tuesday extended till May 7 the judicial custody of chief minister Arvind Kejriwal and BRS leader K Kavitha in a money laundering case related to the alleged excise policy scam.

Special judge for CBI and ED matters Kaveri Baweja extended the custody of Kejriwal and Kavitha along with co-accused Chanpreet Singh, who allegedly managed Aam Aadmi Party's (AAP) funds in the 2022 Goa assembly elections, after they were produced before the court through video conference on the expiry of their remand.

The judge also extended the judicial custody of Kavitha, a Telangana MLC and the daughter of former Telangana chief minister K Chandrashekar Rao, till May 7 in a related corruption case being probed by CBI. PTI

112

## ED arrests ex-IAS officer in C'garh liquor scam case

**Raipur:** Enforcement Directorate arrested retired IAS officer Anil Tuteja under Prevention of Money Laundering Act (PMLA) on Sunday in connection with its investigation into the alleged Rs 2000-crore liquor scam in Chhattisgarh.

A local court remanded him in judicial custody for a day. He will be produced before a special PMLA court Monday, where ED is expected to seek his custody for further probe.

The arrest comes 12 days after Supreme Court dismissed a money laundering case against Tuteja and his son related to the liquor scam. The court ruled that the charges against them did not fall under the schedule of PMLA, so there could be no "proceeds of crime" as defined by the Act. A day after SC decision, ED initiated a fresh probe into the scam.

ED submitted a 16-page document outlining the grounds for Tuteja's arrest, describing him as the "architect of the liquor scam", and adding that Anwar Dhebar, brother of Raipur mayor and Congress leader Aijaz Dhebar, orchestrated the syndicate with Tuteja as its driving force. TNN



## Bail granted to Jharkhand ex-CM Soren in money laundering case

**Ranchi:** The high court of Jharkhand on Friday granted bail to former chief minister Hemant Soren in a money laundering case linked to a land scam. The court had on June 13 reserved its order on Soren's bail plea.

"...The petitioner is directed to be released on bail on furnishing bail bond of Rs 50,000 with two sureties of the like amount each," said the order passed by the single bench of Justice Rongon Mukhopadhyay.

Soren, the executive president of the Jharkhand Mukti Morcha (JMM), was arrested by the Enforcement Directorate (ED) on Jan 31 in connection with its investigation into the money laundering case. The 48-year-old politician was released from Birsa Munda Jail here around 4pm after completion of legal formalities, an official said.

"The court has held that



Former Jharkhand CM Hemant Soren comes out of Birsa Munda Central Jail in Ranchi on Friday

prima facie he is not guilty of the offence and there is no likelihood of the petitioner committing an offence when on bail." Soren's senior counsel Arunabh Chowdhury told PTI. Jharkhand Chief Minister Champai Soren and West

Bengal Chief Minister Mamata Banerjee welcomed the court's order granting bail to Soren. Champai termed the high court's order as a victory of truth. PTI

► Continued on P 8

## No likelihood of Soren indulging in similar nature of offence: HC

► Continued from P 1

**A**s Hemant Soren stepped out of the jail, a large number of JMM supporters cheered and raised slogans in favour of him. Soren's wife Kalpana Soren, a JMM legislator, thanked the judiciary and people for their support.

Earlier during the hearing, ED's counsel SV Raju argued that if Soren is released on bail, he might commit a similar offence, referring to cases against ED officers in the SC/ST police station.

"Though the conduct of the petitioner has been sought to be highlighted by the Enforcement Directorate on account of the FIR instituted by the petitioner against the officials of the ED but on an overall conspectus of the case, there is no likelihood of the petitioner committing a similar nature of offence," the court said.

The single bench order mentioned that the consequence of the findings recorded by the court "satisfies the condition as at section 45 of the Prevention of Money Laundering Act, 2002 to the effect that there is reason to believe that the petitioner is not guilty of the offence as alleged".

It mentioned, "The overall conspectus of the case based on broad possibilities

does not specifically or indirectly assign the petitioner to be involved in the acquisition and possession as well as concealment of 8.86 acres of land at Shantinagar, Bargain, Ranchi connected to the 'proceeds of crime'."

Arguments from both Soren's defence team and the ED had concluded, following which the court had reserved its order. ED counsel Zohab Hossain requested for a stay on the implementation of the order for 48 hours so

that it can move the Supreme Court, which has been rejected by the high court, lawyers said.

Soren had sought an expedited hearing from the high court. JMM minister and Soren's younger brother Basant Soren along with the party's central general secretary Binod Pandey went to the civil court to complete the formalities of furnishing bail bonds.

The bail bonds were furnished in the court of special PMLA judge Rajiv Ranjan. Soren's legal representative senior advocate Meenakshi Arora had earlier argued that the JMM leader had been unfairly targeted in what she described as a "politically motivated" and "fabricated" case.

Senior advocate Kapil Sibal, also representing Soren, had argued strongly for the

former chief minister's bail, contending that he was falsely implicated in a criminal case by the central agency.

The ED, opposing Soren's bail plea, alleged that he misused his position as the CM to "unlawfully" acquire 8.86 acres in Bargain anchal in the state capital.

The ED counsel, while opposing the bail application of Soren, had earlier said the witnesses, who were examined by the federal agency, had alleged the ex-CM's involvement in the illegal land deal.

The agency had claimed that during the probe, Soren's media consultant Abhishek Prasad admitted that the former CM instructed him to manipulate official records to change the ownership details of the plot.

The ED claimed that the original owner of the land, Raj Kumar Pahan, had tried to lodge a complaint when his land was being usurped, but it was never acted upon. On the contrary, a boundary wall was constructed around the plot and a caretaker was appointed to stay on the land, the agency said.

The central agency also said it conducted an independent survey of the land parcel and questioned caretaker Santosh Munda, who allegedly said that the plot belonged to Hemant Soren. The ED also quizzed architect Vinod Kumar.





## Court raps UP DGP as cops fail to nab ex-MP despite 53 NBWs, several letters

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**Meerut:** A special MP/MLA court in Bulandshahr demanded an explanation from the UP DGP by June 29 on the police's failure to present a wanted former MP in court.

Despite 53 non-bailable warrants (NBWs), the former MP has evaded capture. Apart from the NBWs, multiple letters to various authorities, including one to UP's home secretary, four to the

DGP, six to the Bulandshahr SSP, and four to the SHO of Bulandshahr Dehat (rural) police station, cops have not presented former Ghosi MP Hari Narayan Rajbhar in court. MP/MLA court special judge Vinay Kumar Singh issued a letter to the DGP after police repeatedly failed to produce former Rajbhar.

The court highlighted multiple raids "claimed by police" but no progress in lo-

cating Rajbhar.

The court has also written to the Lok Sabha Speaker and the Delhi Police commissioner, requesting details of the facilities provided to Rajbhar.

Citing the Supreme Court's ruling, the MP/MLA court questioned the DGP in a written order: "Why should disobeying this court's orders not be considered disobeying the Supreme Court?"



P12

# Why Politics Needs The Middle Path

Democracy is being torn apart by tribalism

**H**ow should a healthy democracy connect people? *Politics: A Survivor's Guide: How to Stay Engaged without Getting Enraged* by Rafael Behr is a book about how to care about democracy.

It describes the demoralisation felt by moderates in democracies like post-Brexit Britain as nationalist and populist forces clashing with leftist and liberal views. Drawing from other times like European fascism and authoritarianism in present-day Russia, it shows why representative democracy works, and what threatens it.

Democracy's function is merely to mediate different interests, without violence. But now, many feel politically homeless in a 'permacrisis' of political conflict. Denial and withdrawal are common. Between activists committed to a side, and the apathetic who don't vote, the middle tier of reasonable civic engagement is failing.

In a healthy democracy, tuning out politics needn't mean contempt or disillusionment. It can mean deferring judgment to people who care more. There's a presumption that even a govt you don't like will respect your rights.

Nationalism

starts off as a liberating force, but can become a machine for 'manufacturing exile'. Populists trade in bogus simplicity. It fails at administration, and has no choice but to blame deep state subterfuge, foreigners or fake news. Political dissidents end up as 'internal migrants'; their real selves shared only indoors with a trusted few. When people are driven into that withdrawal, democracy is malfunctioning.

The book examines Russia's sham elections and Putin's improbable wins, and stresses that the one thing that marks a democracy is trust. It's what binds citizens, and their political institutions, what brings us to polling booths. When trust degrades, democracy unravels. Politics becomes a kind of

ritualised hypocrisy. The tell-tale symptom of such a culture is the conviction that anyone highly successful in public life must be crooked, that statements of principle are only for display. When such cynicism gets excessive, it becomes a kind of credulity that lines up behind showmen and despots who make the deception explicit. The defiance, naked chutzpah of the lie, begins to seem like a kind of authenticity. Russia's Potemkin elections aren't even trying to pass off as real: they're caricature, not counterfeit, the book says.

Internet has changed the character of ideologies like nationalism and Marxism into alt-right and alt-left hybrids. Filtered through the 21st century network, these become social

identities, informal tribes. What of centrism? Its credibility deficit comes when it doesn't know whether it's an ideological position or an electoral tactic. From a generous point of view, centrism avoids dogmas of right and left. In a harsher light, it looks like jettisoning of principle.

Social pressures dictate boundaries of opinion, but this partisan dynamic is sharpened online. There's a disincentive

to changing views, or crossing culture war trenches. We're scared of being on the angry mob's wrong side, averse to the company on the other side. But reality is there's much overlap, ambivalence and nuance. Democracy contains the paradox that people contradicting each other can both be right. The best outcome is found by negotiation. This isn't moral relativism – it's acknowledgment of imperfection.

Today, voters are attracted to candidates who reflect their fear and anger, and promise instant gratification. This makes governance harder, and the hunt for scapegoats begins. As a way out, the book calls for a deeper understanding of what democracy can do, and a cool-headed commitment to it.

**mindfield**  
SHORT TAKES ON BIG IDEAS



P1

## Kejriwal surrenders at Tihar jail after 21-day relief

New Delhi: Delhi CM Arvind Kejriwal on Sunday surrendered at the Tihar jail after his interim bail granted by the Supreme Court in the



excise policy-linked money laundering case ended on June 1. He was granted the relief for campaigning in the Lok Sabha elections.

Before surrendering, Kejriwal paid homage to Mahatma Gandhi at the Raj Ghat, offered prayers at the Hanuman temple in Connaught Place and addressed AAP leaders and workers at the party office. During his address, Kejriwal said, "I am going back to jail not because I was involved in corruption but because I raised voice against dictatorship," he said.

"I was given 21-day (relief) by the Supreme Court. These 21 days were unforgettable. I did not waste even a minute. I campaigned for saving the country. The AAP is not important, it is secondary. The country comes first," he said. PTI



# Kejriwal victim of conspiracy, arrest on 'false statement by witness': Sunita

TIMES NEWS NETWORK

**New Delhi:** Delhi CM Arvind Kejriwal's wife Sunita Kejriwal alleged on Saturday that her husband was a victim of a deep political conspiracy and was arrested by the Enforcement Directorate in the excise policy case based on a false statement by a witness.

In a video message, Sunita alleged that ED arrested Kejriwal based on the statement of TDP MP Magunta Srinivasulu Reddy, whose son was also arrested in the case but was denied bail. She added that within days of Reddy's statement, his son Raghava Magunta Reddy was released on bail.

The Telugu Desam Party is a constituent of the ruling National Democratic Alliance at Centre. While MS Reddy said he didn't want to talk



Sunita alleged that PM Narendra Modi wanted to finish off Kejriwal and Aam Aadmi Party using ED and CBI

about "all those issues", Delhi BJP said it was shocking that "Sunita Kejriwal was casting aspersions on the judiciary".

Arvind Kejriwal was arrested by ED on March 21 in a money laundering case linked to the alleged irregularities in the now-rescinded excise policy 2021-22. He is currently in judicial custody after being arrested by CBI in the same case last month.

## 'CM's wife can meet docs independently'

A Delhi court on Saturday allowed medical records of chief minister Arvind Kejriwal to be supplied to his wife Sunita Kejriwal. The court of special judge Kaveri Baweja also allowed his wife to independently consult doctors of the medical board treating the Delhi CM in jail. The board, which comprises doctors from AIIMS Delhi, was formed by the orders of the court in April this year for treatment of Kejriwal in jail. However, the court refused to allow Sunita's presence during his consultation/meeting with doctors. Kejriwal had requested for his wife to be his attendant during the medical check-ups. TNN

Sunita alleged that MS Reddy changed his statement to ED about his meeting with Kejriwal after his son was arrested and denied bail. She claimed that MS Reddy had met the Delhi CM on March 16, 2021 for a piece of land on which he wanted to open a charitable trust in Delhi, but he changed his statement on July 17, 2023 following his son's arrest. "CM Arvind Kejriwal told him that land-rela-

ted matters in Delhi came under the lieutenant governor, but he should give his application and he will see... (But) in his statement to ED, MSR said Kejriwal asked him in the presence of nearly 10 people to enter the liquor business in Delhi and pay Rs 100 crore to AAP. Would anybody ask for money before so many people?" she asked. "It is apparent that his statement is false," she added.



P11

## Nalini in Saradha chargesheet; why wait 11 yrs, court asks ED

TNN & AGENCIES

**Kolkata:** Why an 11-year delay, PMLA court judge Prashanta Mukhopadhyay asked ED on Friday when it named **Nalini Chidambaram**, Congress senior P Chidambaram's wife, in its 64-page chargesheet in the Saradha case.

In its third supplementary chargesheet, the agency named Nalini, also a lawyer, for working as a "consultant" for an accused in a deal for a private television channel. The judge asked ED to first



explain the delay, submit additional documents to prima facie prove its charges and elaborate on the nature of the role of consultant, before the court considered whether to take cognizance of the chargesheet.

The special court questioned how a tax consultant was considered involved in corruption charges if s/he accepted consultancy fees from a client as a professional. The court also asked whether an advocate taking the brief on behalf of an accused could

be considered a partner in crime. ED's lawyer Bhaskar Prasad Banerjee said the agency had filed a provisional attachment order against Nalini and the agency was "duty-bound" to mention her name in the chargesheet. ED had, in connection with the case, issued a provisional attachment order worth Rs 6 crore, including Nalini's assets, last year.

ED said that although Nalini said she received the money as a legal fee for working as a tax consultant, she could not furnish any documents supporting this claim.



P8

# Shah counters oppn, says new laws duly debated in House

## Oppn: 146 MPs Were Under Suspension

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**New Delhi:** As the new criminal laws came into force on Monday, home minister Amit Shah dismissed the opposition's charge that they were "forcibly" pushed through Parliament amid suspension of 146 Lok Sabha and Rajya Sabha MPs, saying that discussions on the laws had involved all stakeholders and lasted four years, making it possibly the longest consultation exercise in post-Independence India.

Shah, however, said he was open to suggestions from members of the opposition on how to further improve criminal justice delivery. "My doors are always open and I am ready to meet anyone who wants and also review (the laws). But please desist from giving a political colour to the criminal justice reforms," he appealed to the opposition while addressing a presser here. Stating that discussions on the law had started in 2020 with the govt seeking suggestions from members of Parliament, chief ministers, Chief Justice of India and Chief Justices of high courts, IPS officers and collectors, Shah shared that "several meetings were held to draft the bills based on their suggestions".

"...I myself presided over 158 such meetings," Shah said hours after the first FIR under the Bharatiya Nyaya Sanhita (BNS) was registered at a police station in Gwalior, MP. The FIR, lodged at 12.10 am, re-



Desist from giving a political colour to criminal justice reforms, said Shah

## Full rollout of new laws in UTs by Aug 15

Home minister Amit Shah on Monday said all the UTs are expected to fully roll out the three criminal laws — Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita and Bharatiya Sakshya Adhiniyam — by August 15, though a countrywide 100% implementation may take 3-4 years as the entire criminal justice infrastructure gets an upgrade as per requirements of the new laws, reports **Bharti Jain**.

Shah said that the states will have flexibility to start by notifying a police station for full rollout of the new criminal laws, followed by a tehsil, a district and, ultimately, the entire state. This will require upgrade of the courts, which is in the works since 2020 in consultation with the Supreme Court and the necessary software having been readied.

lates to a motorcycle theft.

The first FIR registered in Delhi under BNS against a street vendor was, however, withdrawn after a review by the Delhi Police, according to the home minister.

On the opposition's charge that the bills were bulldozed through Parliament after suspending 146 MPs — Shah said the parties knew in advance that the bills would be brought in Parliament and their MPs possibly indulged in unruly behaviour to elicit their suspension and skip the debate.

The opposition, however, was part of the parliamentary standing committee meetings that examined the bills over 2.5 months. "The govt accepted 95% suggestions made by the opposition members and

the bills were brought before Parliament after incorporating 93 changes," said Shah.

Shah said the laws, by incorporating technological upgrades relevant for the next 50 years, would make the Indian criminal justice system one of the most modern in the world. With timelines prescribed for investigation and trial, "the complete process from filing of FIR till the final disposal of case by the courts should not take more than three years," noted Shah. On the DMK's reservations to Hindi nomenclature of the new laws, the home minister said even these could be discussed. "But the Tamil Nadu CM or any MP from the state has not approached me yet," he underlined.

## Remand time still remains 15 days: Min

TIMES NEWS NETWORK

**New Delhi:** Union home minister Amit Shah on Monday clarified that the maximum 15-day police remand period under Bharatiya Nagarik Suraksha Sanhita (BNSS) will remain the same as was provided for in Section 167 of the erstwhile Criminal Procedure Code (CrPC).

Addressing a press conference hours after the three new criminal laws came into force, Shah said unnecessary confusion was being created to give the impression that the time-period for police remand had been extended under BNSS. "I want to clarify that in BNSS also the remand period is 15 days. Earlier if an accused was sent to police remand and he would get himself admitted in a hospital for 15 days... there could be no interrogation as his remand period would expire. Also, sometimes two accused are arrested and need to be interrogated together. The new law now provides for the same 15-day police remand, but the detention can be in the whole, or in parts, at any time during the initial 40 days or 60 days out of the detention period of 60 days or 90 days," said Shah.

Former law minister Kapil Sibal had last year raised concerns regarding Section 187 of BNSS dealing with police remand, while alleging that then proposed criminal laws would promote use of draconian police powers for political ends.



P10

## 'Indira jailed us but never abused us'

**Patna:** RJD chief and former Bihar CM Lalu Prasad Yadav Saturday recalled what they went through during the dark days of Emergency and said that PM Indira Gandhi put many functionaries behind bars, but never abused them.

In a post on X, Lalu shared an article "The Sangh Silence in 1975" written by him and journalist Nalin Verma. In the article, they attacked BJP-led govt and said that although 1975 is a stain on country's democracy, let's not forget who doesn't respect the opposition in 2024.

"I was in jail under MISA for 15 months. My colleagues and I did not know many of BJP ministers speaking about Emergency today," he posted on X. "Indira put many of us behind bars, but she never abused us. Neither she nor her ministers called us 'anti-national' or 'unpatriotic'". TNN



THE TIMES OF INDIA  
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## SC: ED can't arrest accused once court takes cognisance of plaint

**'Agency Needs To Apply If It Wants Custody'**

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**New Delhi:** Reducing the rigour of Prevention of Money Laundering Act (PMLA) proceedings, Supreme Court on Thursday ruled that Enforcement Directorate officials had no power to arrest an accused if he had not been arrested before the special court took cognisance of the complaint. The accused, in turn, cannot apply for anticipatory bail.

The verdict by the bench of justices A S Oka and Ujjal Bhuyan could disarm ED of the special powers it enjoys under Section 45 of PMLA.

Accepting arguments of senior advocate Sidharth Luthra, the bench said if an

Such a practice (taking accused into custody when they appear pursuant to summons), if followed by some special courts, is completely illegal as it **may offend the right to liberty guaranteed under Article 21** of the Constitution

If the accused appears before the special court pursuant to summons, **he shall not be treated as if he is in custody.** Therefore, it is not necessary for him to apply for bail. However, the **special court can direct the accused to furnish bond** to ensure he appeared before the court on proceeding dates

**If the accused does not appear** after a summons is served or does not appear on a subsequent date, the special court **will be well within its powers to issue a bailable warrant**, and if that does not bring the accused before the court, then it **can issue a non-bailable arrest warrant**

— Supreme Court

accused was not arrested till filing of complaint by ED, then the special court would only issue summons to him and not an arrest warrant at the first instance. If ED wants custody of the accused who appears following summons, the agency will have to apply to the special court, which would pass appropriate orders with reasons after hearing the accused.

Luthra pointed out that certain special courts took the accused into custody af-

ter they appeared pursuant to summons issued, forcing them to apply for anticipatory bail. The bench said, "Such a practice... is completely illegal as it may offend the right to liberty guaranteed under Article 21 of the Constitution."

"If the accused appears before the special court pursuant to summons, he shall not be treated as if he is in custody," said the SC. "Therefore, it is not necessary for him to apply for bail."



# Kavitha paid ₹100-cr kickbacks to get undue benefits, claims ED

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**New Delhi:** In its sixth supplementary chargesheet in a money laundering case linked to the alleged Delhi Excise Policy scam, Enforcement Directorate (ED) has claimed that Bharat Rashtra Samithi's (BRS) **K Kavitha** allegedly conspired with the members of 'South Group' and Aam Aadmi Party (AAP) to pay Rs 100-crore kickbacks to receive undue benefits and is also "guilty of the offence of money laundering".

"K Kavitha conspired with the members of South Group and AAP functionaries through Vijay Nair (who was acting on behalf of the top functionaries of AAP) to pay kickbacks.... These kickbacks were paid in exchange of undue favours in the Delhi liquor business," ED has alleged in the chargesheet filed on May 10.

The court of Special Judge Kaveri Baweja took cognisance of the chargesheet, which names BRS legislator Kavitha and four others, Chanpreet Singh, Damodar Sharma, Prince Kumar and



## HC seeks ED response to bizman bail plea

**D**elhi High Court on Monday asked the Enforcement Directorate to respond to a plea by Hyderabad-based businessman Arun Ramchandran Pillai who sought interim bail on medical grounds in connection with the agency's probe into the now-scrapped excise policy. Justice Dinesh Kumar Sharma listed the matter for June 10 and also asked the probe agency to verify the medical documents submitted by Pillai.

In his plea, Pillai, who has been in the ED's custody since March 2023, sought eight-week interim bail by citing medical reasons, including severe back pain. "The applicant also has a history of two episodes of fall causing damage to his back, one 13 years ago, and the second around four years ago. He also has a history of tuberculosis (lymph node). The applicant went through a treatment for tuberculosis in 2011," his fresh application for interim bail stated.

It further stated that Pillai was taken to a hospital for treatment on April 25 and May 1 where tests revealed that there is a "multilevel degenerative disc disease." The businessman said that the consulting doctor has prescribed specific physiotherapy sessions for which he wishes to undergo a 21-day panchakarma therapy at a clinic in Kerala with the "prescribed after treatment of 21 days." **TNN**

Arvind Singh, on May 29.

On Monday, the court extended the judicial custody of Kavitha till July 3 after she was produced before it following an earlier order that issued a production warrant against her. The court granted bail to three co-accused Prince, Damodar and Arvind, who were chargesheeted without being arrested during the investigation, and extended Chanpreet's judicial custody till July 3.

In the supplementary

tion, possession, concealment, transfer, use and projecting or claiming as untainted property".

Through the conspiracy and the formation of Indo Spirits, she had participated in the generation, acquisition and use of PoC of Rs 192.8 crore, "derived as a result of the conspiracy of kickbacks and payment of kickbacks", ED stated. She had shown Indo Spirits as a genuine business entity and the PoC as the genuine profit, it added.

According to the chargesheet, by paying kickback to govt functionaries through their middleman, the accused had participated in the generation of PoC of Rs 100 crore and then participated in its transfer to govt functionaries.

Kavitha had also "actively destroyed the digital evidence to conceal her role" in the case and tampered with evidence by deleting contents from 10 mobile phones, it alleged. Kavitha had also tried to influence witnesses, as disclosed by her chartered accountant Buchi Babu, ED claimed. Kavitha's associate and co-accused, Arun Pillai, had retracted two statements regarding her role in the alleged scam, it added.

P1

## Court rejects Kejriwal's bail plea, extends judicial custody

In yet another setback to Delhi chief minister Arvind Kejriwal, a Delhi court on Wednesday dismissed his application for interim bail on medical grounds in the money laundering case linked to the alleged excise policy scam. Special judge Kaveri Baweja directed the Tihar jail authorities to take care of his medical needs in judicial custody. The judge also extended Kejriwal's judicial custody till June 19.



The court is scheduled to take up on June 7 his application seeking default bail in the case. During the hearing on Saturday, the ED had opposed the application, saying he campaigned throughout the Lok Sabha elections but "now when he has to surrender, he suddenly claims to be ill". PTI A/



## Please ensure judiciary does not have political biases: CM to CJI, sr judges

**Kolkata:** CM Mamata Banerjee, speaking in an event in the presence of CJI D Y Chandrachud and other judges in Kolkata on Saturday, said the judiciary should ensure no "political biases" in judges, **reports Debashis Konar.**

The CM was speaking at the inauguration of a two-day conference organised by the National Judicial Academy conference. "My humble request will be to all of you..." Banerjee said, hands folded. "I want to apologise to even mention this to you. It is not my intention to humiliate anyone. But it is my kind submission, a humble submission. Please see there are no political biases in the judiciary. The judiciary must be pure, honest, sacred, and let people revere it like a temple."

Sharing the stage with the CM were CJI Chandrachud, SC judges Justices B R Gavai, Dipankar Datta and Rajesh Bindal and Calcutta HC Chief Justice T S Sivagnanam.

► 'Judiciary is guardian of our rights', P 6

## Express views enshrined in Constitution, not your own ideology: CJI to judges

**Kolkata:** CJI D Y Chandrachud said the values judges had to espouse were ones enshrined in the Constitution — "a society based on human dignity, fraternity, equality, liberty, respect for all, tolerance for all and inclusion for all", **reports Debashis Konar.** He was speaking against judges "writing about their own ideologies in judgments". "The heart of the nation is the realisation of the importance of diversity... the pursuit of tolerance.... Which defines why we are, 75 years after the birth of a nation, still a nation with such beautiful diversity," he said. The CJI reminded his listeners that they were "servants" of the Constitution, not its "masters".

► 'Judges are servers of people...', P 6

P6

## CM: Judiciary is guardian of our rights

► Continued from P 1

**M**amata Banerjee also spoke briefly with the CJI, referring to him as "a popular chief justice of India". D Y Chandrachud and his father (Y V Chandrachud, the 16th CJI), she said, have been serving the country "for generations", she said.

Banerjee later posted on her X handle, "Judiciary stands as a guardian of our constitutional rights, a beacon of justice, and a cornerstone of our democratic framework. In these times, more than ever, we must strive to uphold the purity and honesty of our judicial processes, free from any political bias. People place immense faith in the judiciary, looking to it as a source of fairness and truth. It is this trust that we must honour and protect."

## 'Nation's poorest and backward stood up to save Constitution'

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**New Delhi:** Congress chief Mallikarjun Kharge and party MP Rahul Gandhi addressed a press conference here on Tuesday evening in the presence of Congress Parliamentary Party chairperson Sonia Gandhi. "This time, the people did not give any party a complete majority, particularly BJP, which sought a vote in the name of one person and one face," Kharge said.

He claimed INDIA bloc fought despite tough circumstances with govt machinery "creating obstacles" every step of the way like seizing its bank accounts. "However, our campaign focussed on issues ranging from inflation, joblessness, state of farmers and misuse of constitutional institutions," Kharge said.

**Rahul claimed INDIA bloc fought despite tough circumstances with govt machinery "creating obstacles" every step of the way like seizing bank accounts**

Rahul said that for Congress and INDIA bloc, this general election was a fight to save the Constitution, and their campaign's focus on reservations and poverty resonated with voters, adding: "India's poorest and backward stood up to save the Constitution." Rahul said opposition fought this election as one and with clarity, giving India "a new vision: a pro-poor vision".

When asked whether he would keep Wayanad or Rae Bareilly seat, Rahul said he was yet to decide.



THE TIMES of INDIA

JUNE 20, 2024

P9

## New crime laws soon, Cabinet okays ₹2.2kcr forensic upgrade

**New Delhi:** Days before the new criminal laws — Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita and Bharatiya Sakshya Adhiniyam — come into force, the Union Cabinet has cleared a significant national forensic infrastructure upgrade scheme envisaging expansion of the Central Forensic Sciences Laboratory (CFSL) network and setting up of more National Forensic Sciences University (NFSU) campuses.

The components of the Rs 2,254 crore National Forensic Infrastructure Enhancement Scheme (NFIES) approved by the Cabinet, include establishment of more NFSU campuses and CFSL facilities across the country, besides enhancement of infrastructure at NFSU's Delhi campus. Financial outlay for the central sector scheme — to be implemented between 2024-25 and 2028-29 — will be met out of the home ministry's own budget.

The strengthening of forensic capabilities nationwide is expected to take care of the higher demand for forensics in investigation of crimes under the new criminal laws. TNN

## Under new laws, justice within 3 years of registering FIR: Shah

**New Delhi:** Union home minister Amit Shah said on Monday justice would be delivered up to the level of Supreme Court in all cases within three years of the registration of an FIR under the new criminal laws.

Addressing a press conference after the new criminal laws were implemented, Shah expressed hope of a reduction of crime in future as 90% conviction was expected under the new laws.

The Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS) and the Bharatiya Sakshya Adhiniyam (BSA) came into effect on Monday. The new laws replaced the British-era Indian Penal Code, Code of Criminal Procedure and the Indian Evidence Act, respectively.

"Justice can be received up to the level of Supreme Court within three years of the registration of the FIR," he said. Shah said with the implementation of the three criminal laws, India would have the most modern criminal justice system in the



Home minister Amit Shah speaks in the Lok Sabha on Monday

world. "The new laws brought in a modern justice system, incorporating provisions such as zero FIR, online registration of police complaints, summonses through electronic modes such as SMS and mandatory videography of crime scenes for all heinous crimes," he said.

Shah said the first case under the new laws was about a motorcycle theft registered in Madhya Pradesh's Gwalior at 10 minutes past midnight. He also said the police dismissed the case filed against a street vendor for

selling water and tobacco products from a cart that allegedly obstructed a public way in central Delhi's Kamala Market after an investigation. The new laws would give priority to providing justice, unlike the colonial-era laws that gave primacy to penal action, and made reporting of crimes even easier by recognising e-FIR, zero FIR and electronic or digital evidence. The home minister said the judicial process would now be time bound and the new laws set time limits for the judicial system, ending long delays.

He said the new statutes were made more sensitive by adding a chapter on crimes against children and women and the inquiry report in such cases were to be filed within seven days.

Shah said according to the new laws, judgment in criminal cases had to come within 45 days of completion of trial and charges must be framed within 60 days of first hearing. PTI

► Can report online, P 7



## Person may report crime online, file zero FIR at any PS

► Continued from P 1

The new laws promote a justice-centric approach by providing community service for minor crimes, home minister Amit Shah said.

The home minister said organised crime, acts of terrorism and mob lynching had been defined, sedition was replaced with treason and video recording of all search and seizures made mandatory. He said

id a new chapter on crimes against women and children was added, buying and selling of any child made a heinous crime and a provision for death sentence or life imprisonment for gangrape of a minor included.

A new provision has been added in cases of having physical relations after giving false promise of marriage and statement of rape victims will be recorded by a woman police officer in presence of her gu-

ardian, he said. Officials said under the new laws, overlapping sections were merged and simplified, with only 358 sections against 511 in the Indian Penal Code. For example, definitions scattered from sections 6 to 52 have been brought under one section.

Instances of false promise of marriage, gang rape of minors, mob lynching and chain snatching, among others, are reported but the Indian Penal Code did not have specific pro-

visions for dealing with such incidents.

Under the new laws, a person can now report incidents by electronic communication, without the need to physically visit a police station. This allows for easier and quicker reporting, facilitating prompt action by the police. With the introduction of Zero FIR, a person can file a First Information Report (FIR) at any police station, regardless of jurisdiction.

P7



P10

## Jail Mustn't Be The Norm

*Twists in Kejriwal case urgent reminder that question of bail mustn't get entangled in procedural knots*

Supreme Court, on Monday, considered "unusual" Delhi high court's decision to reserve its order on ED's appeal against Kejriwal's bail. Yesterday, one had to wonder what the top court would have had to say about the timing of Kejriwal's arrest by CBI in the same excise policy case, albeit a separate strand. The arrest came just as SC was to hear his appeal against HC's stay on his bail in the ED case. CBI and ED should, of course, not work at cross purposes. But what happened on Tuesday night doesn't appear to be an example of investigative efficiency.

On Tuesday, SC also rebuked Delhi HC over adjourning a bail plea. It made its comments while refusing to consider ex-Delhi minister and AAP functionary Satyendar Jain's appeal against HC's adjournment of his bail hearing. SC reiterated for the nth time that "it goes without saying that bail matters are not to be unnecessarily adjourned." The trial court that granted Kejriwal bail had taken the cue from SC's frequently repeated emphasis on bail.



Yet, chronology of events has been such that Kejriwal has been in and out of various courts, from trial to SC, for bail and in his challenge to the legality of ED's arrest. The latter is currently in SC. PMLA is a stringent law, but as courts wrangle over bail while investigators figure out Kejriwal's "vicarious liability", it is pertinent to remember the far-reaching impacts of a CM behind bars – political, electoral and, of course, on governance. This is not an irrelevant factor in bail pleas.

In May, SC granted Delhi CM interim bail, keeping under consideration the ongoing Lok Sabha elections. Opposition alleges arrests of opposition CMs Kejriwal and Soren aren't delinked from political considerations. Probity in public life is non-negotiable. And anyone can be and should be investigated. But, through that process, justice must be seen to be done.



MAY 22, 2024

P12

# Courts On Poll Duty

*That Calcutta HC had to intervene in poll matters EC should have handled is troubling*

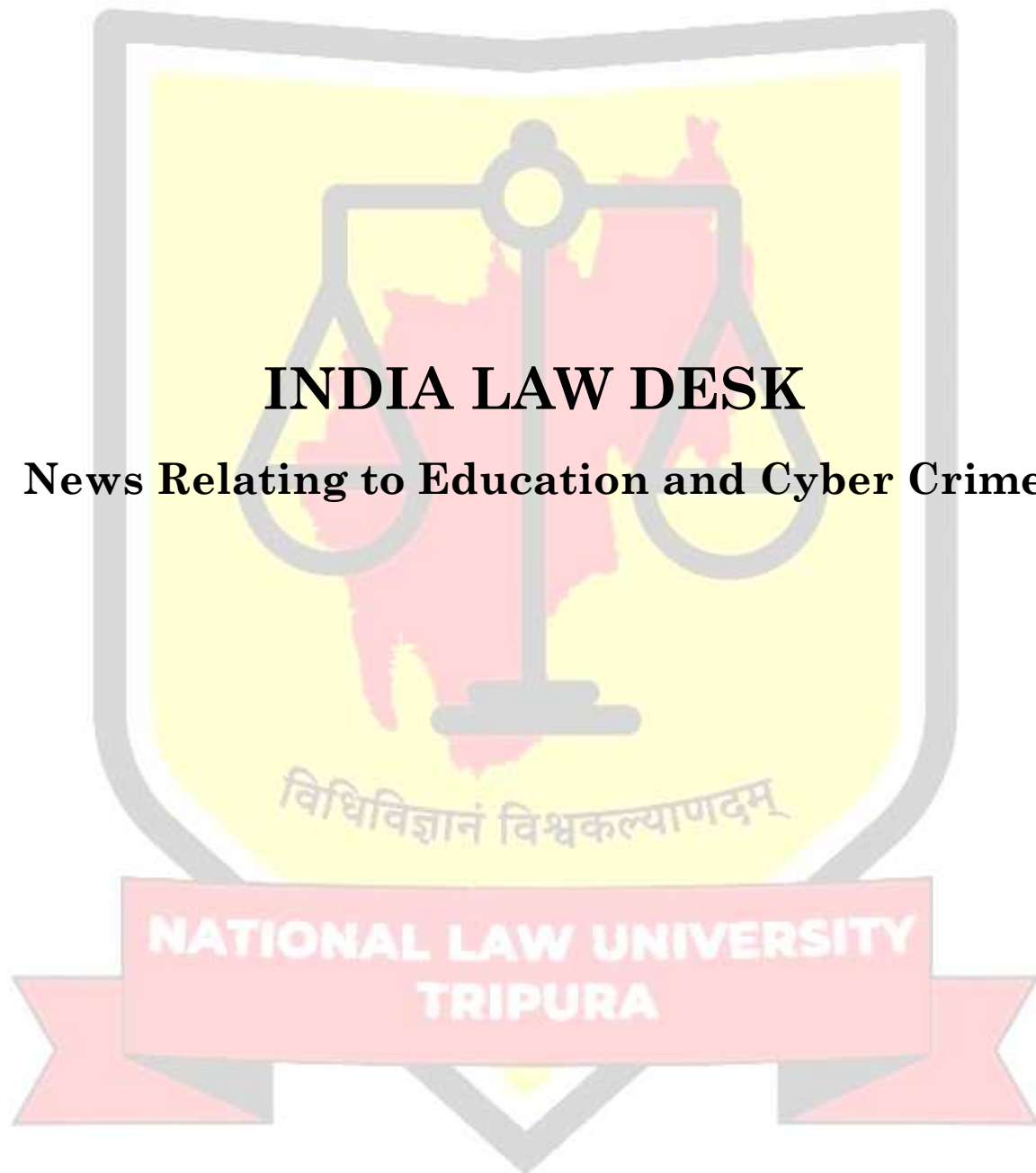
Calcutta HC is hearing today an appeal against its order on Monday restraining BJP from publishing ads it found had violated Model Code of Conduct (MCC)—Election Commission's manual for political parties that's in force from announcement of polls till results day. HC was sharp—it held EC had “grossly failed” to address violation of MCC. It was a rare observation, even troubling, that a constitutional court found reason to pull up a constitutional authority. Three takeaways.

**Content & timing of ads** | HC found the ads to be “slandorous” and “derogatory”. One ad in Bengali appeared to use religion to target Trinamool. Another ad was published on May 12, a day before the fourth phase of polling in Bengal—MCC mandates a 48-hour silence period before poll days. These are routine violations that EC could have swiftly handled. Trinamool moved court alleging EC had not acted on its complaints. For EC's own good, the political party should not have felt the need to approach court. That it did demands institutional introspection within EC.



**Courts on poll duty** | Supreme Court has been on constant poll duty. Following the electoral bonds case, it has in its docket cases vital to EC's constitutional authority—appointments of ECs, EVM-VVPATs, on vacancies in legislatures, and of course, the Maharashtra cases including assigning of party symbols. Both public and political parties are turning to the courts frequently on matters jurisdictionally in EC's ambit. Courts have desisted; thrown out frivolous pleas, discarded irrelevant claims, patiently heard activists and campaigners—returning petitioners repeatedly to EC, whose remit is the conduct of free and fair elections, and ensuring a level-playing field.

**Constitution matters** | There cannot be a perception that EC is anything but a neutral arbiter. Calcutta HC referred to Article 226 of the Constitution to state the petition before it wasn't preventing “smooth process of the election”. Article 226 provides the right to approach HCs (and SC under Article 32) to anyone whose fundamental right has been violated. HC also invoked Articles 14, 19 and 21 (equality, freedom of speech and liberty) to uphold the petitioners' plea. Central to the authority the Constitution vests in EC, is people's trust. To be universally perceived as a fair custodian of this trust is inarguably one of the most important institutional remits in India. In fiercely contested elections, EC must go the extra mile. It's the only safeguard against campaigning's tendency to descend to the lowest common denominator. Calcutta HC upheld both letter and spirit of MCC.





P3

## No room for toxic majoritarianism: JNU professor

**Kolkata:** The nation has withdrawn support to anyone who has tried to convert cultural sense of belonging to toxic majoritarianism. The nation is ready to celebrate cultural nationalism but not at the cost of pushing out those in the minority.

This was advocated on Saturday in an online lecture by Ajay Gudavarty, associate professor at the Centre for Political Studies at JNU while speaking on India's Unicorn Democracy. The session was moderated by Pradip Basu, former dean of arts, Presidency University.

Gudavarty argued that the right wing understanding of all talks of equality, essentially read as a western concept, toppling cultural ethos was as much flawed as a section of liberals and leftists believing all of culture to be

**B**engal is a good example where CAA-NRC had little to no impact as it meant exclusion of a section of people

**Ajay Gudavarty** | ASSOCIATE  
PROFESSOR AT JNU

conservative.

Calling it the era of culturist constitutionalism, he argued: "Many scholars like Amartya Sen and Romila Thapar have argued that India had several deeply subversive cultural movements. We are looking at the Hindu Indic culture where morality and equality too have enough space." —**Dwaipayan Ghosh**

# THE TIMES OF INDIA

## JUNE 16, 2024

P6

### Telcos start trials to display caller names

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**New Delhi:** Seeking check pesky calling and cyber frauds, govt has instructed telecom operators to start trials where names of callers are displayed for unknown numbers or those that are not saved in your phone book. The move, while being seen as consumer friendly, is being opposed by most telcos who are raising concerns over customer privacy

as "technical challenges" to oppose an immediate nationwide rollout. With the govt being firm in its demand for beginning initial test-runs on Calling Name Presentation, companies are understood to have begun "limited trials" in Mumbai and Haryana. "Trials are beginning on limited numbers as we try and assess feasibility of CNAP, where not only the number but even the name of caller will be displayed..." a top telco executive said.

P1  
**Sr citizen loses  
₹25cr in fake  
arrest fraud**

In one of the biggest cyber fraud cases targeting an individual in Mumbai, a former director of a corporate firm lost nearly Rs 25 crore after she was threatened with police action in a fake money-laundering case, **reports Mateen Hafeez**. Police said the complainant, a senior citizen from the western suburbs, sold her and her mother's shares, mutual fund investments, and even took a gold loan to send the money to the accused. The fraud took place between Feb 6 and April 3. Cyber crime police registered an FIR on April 10.



P3

# CID nabs multi-state online scam mastermind from Gujarat

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**Kolkata:** The state CID has busted a multi-state online racket that targeted senior citizens through multiple modus operandi like KYC fraud, investment and loan fraud and IT return frauds.

The CID found that the gang had set up call centres in four states and ran operations under a corporate structure where "promotions were linked to performances." The mastermind has finally been nabbed from Bhavnagar in Gujarat in an operation carried out on Friday. The accused has been brought to Kolkata on transit remand.

"We had received a complaint from a retired person, a senior citizen, who was duped in the name of bank KYC upgradation. He lost around Rs 5 lakh. We began the probe after the FIR was registered at a lo-

## Cyber security lessons for seniors



The North division police held a special cyber awareness programme at a hall in Burtolla through this weekend to talk of the new modus operandi being used by cyber crooks to try and dupe senior citizens. Among those specially invited were Pronam members of Burtolla and those citizens who have now begun using smartphones for a number of daily purposes. "Basic dos and don'ts were shared that can act as a shield against any form of cyber fraud," said an officer from North division cyber cell which conducted the programme with help of Burtolla police. TNN

cal police station. We found that the main operation is being carried out from Gujarat. A CID team held multiple ra-

ids and the mastermind, Shah Darshil Pareshbhai of Bhavnagar, Gujarat was arrested. He has accepted that the gang

was proactive in at least three to four different states where they recruited locals as employees in the front office. Once produced in local court, Pareshbhai will be taken on remand for further probe," said DIG (Special) Indra Chakravorty.

Cops said a hawala route was used to divide the profits. "The accused used traders across the country to route the money. Gujarat had recently nabbed a gang that routed money from China and we believe there are direct links with the man whom we have arrested. The accused, Pareshbhai, with help from these traders and some dealers in foreign shores, paid only 70% for goods bought from the foreign nations and kept 30% himself, thus redeeming the money earned from 'I-tunes' gift cards bought by US victims and processed in China," added a cyber cell official.

P1

## Agnikul: From IIT-M brainchild to space odyssey

**Desi Rocket Firm  
Began Its Journey  
With ₹3Cr In 2017**

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**New Delhi:** From an idea conceptualised at IIT-Madras to a full-fledged startup, Agnikul Cosmos Private Ltd has come a long way in the space world.

The desi startup was incubated at National Centre for Combustion Research and Development on premises of IIT-Madras. Founded in 2017 by IIT graduates Srinath Ravichandran, Moin S P M and professor S R Chakravarthy, Agnikul aimed to make space accessible and affordable and



After four unsuccessful attempts, Agnikul achieved a historic milestone on Thursday when it launched the world's first 3D-printed rocket engine

aspired to support PM Narendra Modi's vision of enabling building of Aatmanirbhar Bharat.

The startup began its space journey with a seed funding of Rs 3 crore with an aim to build and launch its first rocket in 2021, and develop the ability to provide

launch service for satellites weighing up to 100kg. Till the end of 2020, the company was able to raise almost \$4 million. In Oct 2023, Agnikul received a financial boost when it raised \$26.7 million in a Series B funding round, bringing the total capital raised since its inception to \$40 million. In Feb 2021, the startup test-fired its semi-cryogenic rocket engine Agnilet to be used in the second stage of its rocket 'Agnibaan'. The engine was developed in single-piece through 3D printing with no assembled parts. The company holds the patent for the engine's design and manufacturing.

In Sept 2021, the space startup signed a framework agreement with department of space for access to Isro fa-

cilities and technical expertise for the development of its two-stage small-satellite Agnibaan launch vehicle. On Nov 7, 2022, Agnikul bought its first flight termination system from Isro.

The startup's Agnilet engine was successfully test-fired on Nov 8, 2022, for a few seconds on vertical test facility TERLS, at Isro's Vikram Sarabhai Space Centre.

After four unsuccessful attempts, Agnikul achieved a historic milestone on Thursday when it was finally able to launch the world's first 3D printed rocket engine but without any live-streaming and in presence of a few dignitaries at its own private launchpad. AgniKul has now spread its wings for a long flight to space.



P7

## Can cut-off be eased to fill up posts for PwDs? SC to decide

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**New Delhi:** Can relaxation in cut-off marks be extended to persons with disability, as given to Scheduled Castes/Scheduled Tribes candidates, in entrance exams to fill up posts reserved for them? The Supreme Court on Tuesday agreed to examine the legal issue and directed that people suffering from disabilities who had appeared for the final examination for Madhya Pradesh judicial services be allowed to appear for the interview if they had secured minimum marks as provided for SC/ST candidates.

A bench of Justices PS Narasimha and Sanjay Karol passed the interim order as no persons with disability could meet the cut-off marks meant for general candidates and made it clear that any appointment would be subject to the final outcome of the case when the legal issue is

settled.

The court expressed concern over all judicial appointments in lower judiciary being marred by litigation and said it created uncertainty and undue delay at a time vacancies were piling up.

"Every appointment process comes in litigation. Not a single high court conducted the process without litigation. The process itself becomes suspect and candidates lose hope. Judicial services suffer," the bench said.

The court was hearing a case which it took up suo motu after the mother of a visually impaired candidate, who aspires for appointment in the Madhya Pradesh judicial service, wrote to the Chief Justice of India CJI complaining that the HC excluded visually impaired and low vision candidates from appointment in the judicial service. The SC had earlier directed the HC to allow persons with disability to appear in the exam.





P9

## Farmer's son from UP bags Prez's gold medal at NDA

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**Pune:** The last two days have been unprecedented for Ravindra Gupta, father of Shobit who won the Prez's Gold Medal for securing the top spot in the merit list for the National Defence Academy's 146th course. A marginal farmer from Dhuvla Karimnagar in UP's Shahjahanpur district, Ravindra told **TOI**: "I never imagined he would be the gold medallist of the academy. He

has made us extremely proud." "I own a small farm and earn a meagre income from poultry. I, irrespective of circumstances, wanted to provide the best education my son could get. So I borrowed money to fund his private hostel so he could prepare for Sainik School. All our efforts have proven worthwhile," he said.

Shobit studied at Sainik School in Satara. "The school inculcated military values in me," he said.

## As Bengal's central UG portal shuts, female applicants outnumber male

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**Kolkata:** Female students who submitted forms through Bengal's first centralised admission portal (CAP) for the state's undergraduate colleges outnumbered their male counterparts by around 70,000 as the portal closed in the intervening midnight of Sunday and Monday.

The portal received around 35 lakh forms from across the country from 5.3 lakh students: nearly 3 lakh female and 2.3 lakh male.

This year, state govt had introduced a single window for undergraduate admissions for 461 colleges and 16 universities — covering 9,46,921 undergraduate seats — across Bengal. It was open for two weeks from June 24.

“Women's participation

### 35L ADMISSION FORMS RECEIVED

> Total applications  
**34,64,918**

> Total applicants  
**5,27,673**

> Outside-Bengal applications | **98,089**

> Outside-Bengal applicants | **19,618**

**Males**  
2,27,145

**Females**  
2,99,319

Other | 39



(All figures till 10pm. Some of the numbers are not final, but indicative)

in higher education has increased remarkably over the past several years,” said a higher education department official. “This has been reflected in the overall number of submissions. This year, thanks to the centralised portal, we could get an indication of that. But we will be able to get a clearer picture only after the admission process is over.”

Some senior educators and administrators **TOI** spoke to agreed about increased women's participation in higher education, but added that many male students now often considered four-year degree courses “time-consuming” and “heavy”, preferring to opt for job-oriented ones.

► ‘Kanyashree effect’, P 2



# 'More female applicants a Kanyashree effect'

► Continued from P 1

It's of course a good thing that women's participation is high. But it's also a fact that it is still usual for women to pursue conventional degree-course subjects while males prefer job-oriented technical courses. For a certain section of male students, a four-year degree programme seems time-taking and heavy," said Sili Sarkar, principal, Lady Brabourne College.

Although the applications were from all across the country, Asutosh College principal Manas Kabi said the higher participation of women was due to the Bengal govt's Kanyashree scheme. "It's a direct effect of the Kanyashree project, which helped female students from financially backward families to enter higher education. Male students, especially after Covid, are more inclined towards job-oriented courses," Kabi said.

New Alipore College principal Jaydeep Sarangi said something similar: a large number of male students, after class XII boards, prefer engineering courses. And that had reflected in the admissions data.

A total of 98,089 applications were received from outside Bengal — from 19,618 students. Data shows the highest number of applications has been received from Bihar (3,50,632), followed by Jharkhand (30,952), Assam (9,529), Uttar Pradesh (5,121) and Odisha (4,252). A significant number of applications have also co-

## KEY DATES

- > First Merit list | July 12
- > Admission against seat allocation | July 12-18
- > 2nd list of seat allotment in upgrade round | July 23
- > Admission | July 23-26
- > Physical verification | July 30-Aug 6
- > UG classes start | Aug 7
- > 2nd phase | Aug 8-Sep 7



me from Jammu and Kashmir and Andaman and Nicobar Islands. Even on the last day, there were applications from several states outside Bengal.

A higher education department official said, "This is something very positive for us that such a huge number of students from outside Bengal applied to pursue undergraduate courses here. The remarkable number of applications means they have faith in our higher education system."

At a programme on Saturday, state education minister Bratya Basu highlighted that Bengal's degree colleges were attracting students from outside.

**MISSION  
ADMISSION**





# 17-year-old Assam trans girl loses school seat over bikini pictures

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**M**y girl child, born in a male body, didn't choose this life of struggle where she is being bullied and hated for who she is... the recent incident at her school in Assam has shaken the core of our faith in institutions meant to protect and nurture our young... The school, which should be a sanctuary of learning, became an arena of judgment... This is the plight of my daughter, a plight that is shared by many, yet often silenced by the shadows of ignorance.

These are excerpts from a letter to Assam CM Himanta Biswa Sarma by a Guwahati woman after photos of her 17-year-old transgender daughter in a swimming pool in a bikini, posted on her social media platform, forced her to leave the school last month.

While the mother has slammed the principal of the reputed co-educational school in Guwahati for "slandering", "belittling" and "mocking" her daughter and "targeting her truth and her very being", school authorities said the photographs "expressed vulgarity" and all that they had asked for was to have the posts removed from social media.

As the world celebrated June as Pride Month, photos of the transgender girl in a bikini, clicked during a family vacation on June 9 and posted on social media, became not just a flashpoint between the school and her family but also put a question mark on the issue of gender inclusivity in educational institutions in In-

**The family says she's being targeted because of her gender. Her mother, in a letter to CM Himanta Biswa Sarma, wrote, 'My daughter, with dreams as vast as the Brahmaputra, has faced the heights of discrimination and prejudice. Yet, she stands unwavering, aspiring to contribute to the society...'**

dia. The family has asked Sarma for a slew of changes - from embracing diversity with gender-inclusive uniform in schools to extending protection against bullying and harassment.

Also, the state's Transgender Welfare Board has moved Assam State Commission for Protection of Child Rights (ASCPCR), saying "nobody can sexualise a child's body and a photo".

On June 26, ASCPCR began hearings in the case, with the transgender girl's family narrating the incident. "We heard the complainant and would now summon school authorities. After hearing both the parties, we would convene on a specific date. Thereafter, legal action would be initiated," commission chairperson Shyamal Prasad Saikia said.

On June 10, a day after the transgender girl posted the photos, the school principal called the parents at 9pm. "Your daughter is disgusting and shameful. Come tomorrow and take her out of my school..." this is what the principal told me," the student's mother recounted the call.

The family opted for a transfer from the school rather than what they said was "capitulating to infringement on her right to exist". The

school management claimed that they have taken care of the 17-year-old student and counselled her throughout besides protecting her from bullying by some students.

The principal said after she posted the photographs in swimsuit "expressing vulgarity", the school earned a "bad name" among academia and that the school could not tolerate "such behaviour". He said the school never intended to target her and had merely asked her to remove the posts.

However, the student's family hurled allegations at the school, saying the issue of bikini photos was an excuse to get her out of school. They alleged that she became a target because of her gender. "The school doesn't find similar photos posted by boys disgusting or shameful. It indicates their sick mentality," the mother said.

In the letter to Assam CM, which later went viral on social media, the student's mother said, "My daughter, with dreams as vast as the Brahmaputra, has faced the heights of discrimination and prejudice. Yet, she stands unwavering, aspiring to contribute to society..." "The phone call at night from the principal was a stark reminder of the battles we still face. Her social media, a space of person-

al expression, was scrutinised and slandered. A family pool outing, a moment of innocent joy, was twisted into a weapon of shame just because my daughter wore a bikini," the letter said.

"We asked for a transfer certificate from the school after she was shamed and subjected to mental harassment. We decided to keep her away from such a toxic environment," her mother said, adding the family wants a public apology from the school.

Now, she might have to forfeit an entire academic year as she was issued the transfer certificate amid the ongoing session. State Transgender Welfare Board president Rituparna Neog said, "In the explanation given to us, the school's view is that the photos were sexually explicit. I have forwarded this to ASCPCR, with the point that nobody can sexualise a child's body and photos."

Neog is also a member of the National Council for Transgender Persons.

The principal told TOI that the message was clearly communicated to the family. "Body piercing, tattooing are against our rules. Posting obscene photos on social media is not desired. We told them they could delete the photos and start behaving properly or withdraw the student from the school," he said. "I am delighted that transgenders will now raise their voice for liberty and fairness. They glanced at my photos but failed to acknowledge my academic achievements," said the student, who passed class X with 76% aggregate.



# After 'women move back' backlash, ICAI orders probe, says it's 'deeply perturbed'

Udit Prasanna Mukherjee & Priyanka Dasgupta | TNN

**Kolkata:** The Institute of Chartered Accountants of India has started an internal probe to find out why women in the audience were asked to move back five rows at a recent event in the city just before chief guest Swami Gy-anvatsalya from the BAPS Swaminarayan Mandir was invited to the dais.

The ICAI event, an international conference of CA students, was organised here on June 22. A video went viral a few days after that, which showed the presenter — also an ICAI member — saying: "No ladies, no girls, no

## 1 IN 3 ICAI MEMBERS IS A WOMAN

> ICAI has in its fold 4 lakh chartered accountants, every third member is a woman

ICAI has initiated a thorough probe. It is dedicated to empowering women. I must reiterate our profound concern regarding the incident. In the institute's 75yr history, such an unfortunate event has never transpired

**Ranjit K Agarwal** | PRESIDENT OF ICAI

> It has a student base of 9 lakhs, with a significant proportion of female students

The manner of announcement prior to the speaker's arrival was unfortunate. Some sanyasis and priests follow their special spiritual disciplines. It doesn't mean they disrespect or discriminate against women

**Twinkle Chhapia** | BAPS SWAMINARAYAN MANDIR MEMBER

girl volunteers in sight, folks! Hustle up, he's on his way!" The video fuelled a storm on social media, with many cringing and expres-

sing disgust at the overt sexism and misogyny. Several ICAI members, too, expressed their "extreme discomfort" at the turn of events

on the dais.

Neither ICAI nor the order officially reacted to the criticism till Monday, which was also National CA Day, when TOI got in touch with both.

ICAI president Ranjit K Agarwal admitted that the organisation was "deeply perturbed" by the incident. "The reasons behind the occurrence remain unclear but the ICAI has initiated a thorough investigation into the matter," he said, adding that the institute was committed to "implementing remedial measures to prevent such incidents in future".

► 'Incident a blot...', P 3

## 'Incident a blot on institute's history'

►Continued From P 1

The ICAI has 4 lakh CAs and every third member is a woman," he said, explaining that this "demographic composition" underscored ICAI's "dedication to empowering women". Such an "unfortunate incident" had never happened in the institute's 75-year history, he stressed.

Agarwal's hand-wringing was in no small way prompted by the debate within the CA community in Kolkata and beyond. Several former and serving seniors of ICAI, who **TOI** spoke to, came out strongly against what transpired on the dais. "We cannot be sure about what prompted the presenter's bizarre request but we are aghast that there was no protest from our office-bearers present at the event," one ICAI member said. A former national president of the institute was another who vehemently denounced what happened, calling "the unprecedented incident a blot on the institute's history".

West Bengal Commission for Women chairperson Leena Gangopadhyay found it "alarming" that no one from the ICAI present there found it necessary to protest.

Feminist-activist Piya Chakraborty spoke of the "deeply entrenched misogyny and patriarchy that pervade our society". "Blatant discrimination, especially when expressed overtly, is not only reprehensible but also criminal in nature," she said.

No senior BAPS Swaminarayan Mandir monk commented on the incident. But a senior member of the order and a CA herself, Twinkle Chhappia said "the manner of the announcement prior to the speaker's arrival was unfortunate" and had "disturbed many". "It, however, does not reflect the ethos and the sentiments of the speaker," she added, referring to Swami Gyanvatsalya's address. "Some sanyasis and priests follow their special spiritual discipline in Hinduism and many other spiritual tradition. It does not mean that they disrespect or discriminate against women," she added.



P9

# 'AI will create more jobs than it eliminates'

## It Will Not Snatch Jobs, But Will Do Away With Some Easier Ones: Deloitte's AI Exec

**New Delhi:** AI will replace people with people, contrary to the common narrative, Deloitte's AI executive Rohit Tandon said, emphasising that the future belongs to AI-human collaboration, not replacement, as he envisions a revolutionary era where technology empowers, rather than replaces, the workforce.

In an interview, Tandon, managing director, AI and insights practice leader, Deloitte LLP, said AI will not snatch jobs, but will simply do away with some of the easier jobs, and create new roles.

"AI will, with people, replace people... It's not just AI replacing people. You still need humans in the loop," he said. Tandon said the same kind of fear of job roles getting wiped out existed when IT, technology, and computers came into the scenario.

"But just look at how many more jobs have been created across the globe because of IT. The same thing is going to happen with AI. It's going to be all-pervasive, just like it is today, just like you have some of the biggest supercomputers that exist today available on your phone, some of the most powerful AI algorithms will be at your disposal, in your purses, and in your wallets, in your pockets.

"It's going to be something that we talk about just like the way we talk about it or not talk about it, it just becomes a part of our lives," he said.

He said this is not the first time when a new technology has come and threatened job losses.

"We've done this before with automation, call centres, etc. We've automated some of the easier stuff. What it leaves behind is tougher problems for humans to solve.

"It will lead to job changes. AI will be replaced by AI with

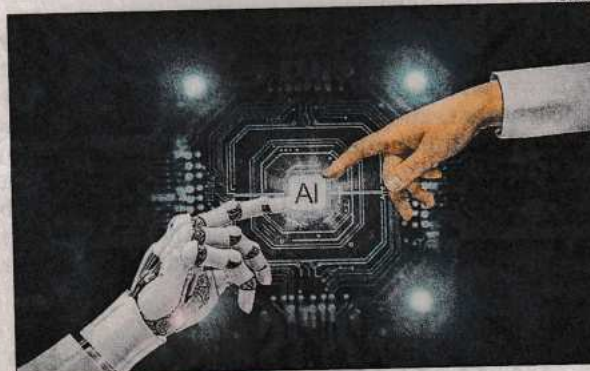
humans. If you look at the pyramid of jobs, AI will start automating more of the easier jobs that are done," he noted.

People will use AI to supplement their knowledge and their ability to find information and share that back and serve the population, he said.

"It will eliminate certain

that will initially feel that they are being cramped, but their appreciation over time with these regulations, what it means for them in the medium to long term, they'll only be full of gratitude and appreciation. I would advise that these should not be point-in-time regulations.

ISTock



'EMPOWERING' WORKFORCE

roles. But it will create more jobs than it will eliminate," Tandon said.

He said shared services — that exist across all sectors — are the first ones to be impacted by AI.

"Finance, HR, and some of the shared services pieces. What we're seeing is energy, from an industry perspective, is taking on some very interesting use cases, which have a wide impact," he said.

Tandon shared an instance of how using computer vision, AI, and the ability to compute and process quickly, has enabled to identify and manage wildfires.

Consumerisation, banking, and hospitality are some of the other sectors that are utilising the power of AI, he said.

He further said setting up guardrails and regulations for AI is important, but they should be dynamic in nature.

"There will be businesses

"The pace at which AI and Gen AI are moving is so fast, we're learning every day. I'm studying harder than I did in school or college right now.

"These have to be dynamic regulations. These have to be active forums that are continuously evaluating, poking holes in what has been built, and strengthening them," he said. This can only be achieved with govt and enterprises coming together, he added.

"I allude to two pillars: computing capability. I think govt has to play a big role in making sure that is available. With that compute capability there will be a requirement for a huge amount of power because these GPUs are power-hungry. Govt will have to help enable that... Grassroots-level training, availability of knowledge, and being able to get that in a wide population is going to be also very valuable," he said. AGENCIES



JUNE 15, 2024

P7

THE TIMES OF INDIA, KOLKATA  
SATURDAY, JUNE 15, 2024

# Nat'l Anthem must for Kashmir schools

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**Srinagar:** J&K administration has directed all schools to commence morning assemblies with the National Anthem, requiring them to strictly follow a four-year-old norm whose compliance has been erratic.

A circular issued by the principal secretary of the school education to this effect also requires morning assemblies to be made uniform across the Union Territory. The order covers private institutions.

"It's been observed that such a significant tradition is not being carried out uniformly across various schools of J&K," the circular issued on Wednesday reads.

Department principal secretary Alok Kumar said morning assemblies helped nurture values of moral

**A circular issued by the principal secretary of the school education to this effect requires morning assemblies to be made uniform across the UT**

integrity, shared community and discipline. The assemblies should be of 20 minutes, beginning with the National Anthem and requiring all students and teachers to gather in a designated area of the school.

The circular lists 16 steps for schools to follow. The school education department has advised schools to invite to their morning assemblies guest speakers, create awareness about environment and caution students against drugs.

## More seek ego therapy to cope with academic setback

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**Kolkata:** More and more adolescents in the city were taking 'ego state therapy' to cope with unsatisfactory performance in exams or academic, peer pressure or inability to adapt to a new education system, said psychiatrists and mental health experts.

Following boards results, psychologists and counselors usually see a jump in the number of youngsters seeking therapy for their mental well-being. But the recent spi-

### WORLD EGO AWARENESS DAY

ke stood at 20%-25% in the past few years, showed data from Indian Association of Private Psychiatry (West Bengal branch). The revelation came a day before World Ego Awareness Day on Saturday.

Poor academic performance, peer pressure and difficulty in tackling a change in the education system often led to ego problems, which could get aggravated with time and cause acute depression among youngsters, say psychologists. Ego state therapy



An awareness session for parents on ego state therapy is on

is a psychodynamic approach to treat such behavioural and cognitive problems. Psychiatrist Arabinda Brahma, also vice-president of Indian Association of Private Psychiatry (Bengal) said, "Tolerance of academic failure is the primary way to keep ego and depression at bay. Many parents are seeking therapists' help when their wards show symptoms of phobia, anxiety, depression, ego or behavioural change after poor performance in boards." Psychologist Aparupa Ojha said, "Ego means a person's sense of self-esteem. We try to make students realise life is not limited to academic performance."

Dum Dum resident Pubali

Das noticed something amiss with her son. "The school counsellor gave me tips on stress management. It was found my son was suffering as he had not scored as expected in a class test. We took him to a psychologist, who conducted the ego state therapy," she said. Nita Bhattacharya, a resident of Central Avenue, said, "After my husband's death, my 11-year-old daughter turned aggressive and even showed suicidal tendencies. She has been undergoing the therapy for two years now."

Special educator Sritama Ghosh said, "Without timely intervention, insecurity and mental turbulence among students may become trauma."



pu

# NGO makeovers are helping 'sarkari' schools shed stigma, boost enrolment

With colourful classrooms, teacher training and tech, some non-profits are trying to bring back pride in govt schools

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After 24 long years, the once-crumbling Utkarsh Vidya Mandir and Junior College (UVM) in Nagpur has undergone quite a transformation — from basic repair to more lights, better toilets and colourful classroom murals that help kids learn. This makeover was thanks to NGO My Zero Gravity, which runs a programme to improve the sub-par infrastructure of govt schools. Founder Maitreyi Shrikant Jichkar says over the years, the organisation has seen learning outcomes and attendance improve in the schools they work with.

**RAMESH BALASUNDARAM,  
BAL UTSAV, KARNATAKA**

**We've changed the narrative that no one wants to go to govt schools. In some cases, MLAs are writing letters to get kids in**

Think 'sarkari school' and you think of under-funded, dilapidated buildings, and teachers who are not properly trained. However, several NGOs across the country are focusing on concrete solutions like building or repairing infrastructure, training teachers and bringing tech to classrooms. The apathy often attributed to government teachers is not inherent, they say. When teachers are engaged and infrastructure is in place, things begin to change not only for students, but the community at large.

## INCENTIVE TO STUDY

Karnataka-based Bal Utsav is one such NGO. Director Ramesh Balasundaram says their interventions span four areas: infrastructure, teacher training, scholarships and sanitation. "Typically, the number of students drops, the higher the grade they're in. In part, this is because the spread of schools is not linear, so if a primary school is in a 1km radius, the upper primary may be 5km away," he says. "But the most important thing is that if students are not sure they'll be in school next year, why would they step up to the pedal and learn?" This is the idea



**GIVING A FACELIFT:** Besides infrastructure facilities, some NGOs provide scholarships as well. (Right) In Nagpur, murals double up as learning tools

behind their scholarship programme — to retain the top students in each school. He adds that bringing alumni back to talk to current students helps as they see someone become an engineer or study in an international school.

## WATER TO WASHROOMS

Jichkar says it is not just about having pretty schools but creating an enabling learning environment. Their murals, for instance, double up as a pedagogical tool. "If we paint a protractor on the wall, the teachers can use them to teach angles."

But much of the infrastructural work these non-profits do is more basic — schools often lack classrooms, drinking water, washrooms, and waste-disposal mechanisms. Balasundaram says they did a survey of 100 Bengaluru schools in 2015 and found that none had any form of waste disposal on offer, let alone for menstrual waste. "If you're a teacher who cares about their job, but your school doesn't have a toilet and you spend nine hours a day there, would you do it?" Menstruating students miss out on school or in some cases even run back home in the middle of the day, these experts say.

One School at a Time (OSAAT) is a non-profit started by techies who were living in the US some 20 years ago. But recently, they've established a local team. "In the last few years, we've been working on 10-15 schools a year across 10 states. Our 103rd project is underway," says Sudheer Hullemane, vice president, OSAAT Digital School Infrastructure. In a school in Karnataka's Belgaum which was ravaged by the 2018 floods, they built four classrooms and toilet blocks. "Since then, the school has transformed. Its student strength has doubled to 600," says Balakrishna Rao, head of operations of OSAAT Physical Infrastructure.

## TEACHING WITH TECH

The other focus of their intervention has been around technology. Much is made of the transformative potential of tech

for classrooms, but in rural areas where data, if not electricity itself, is precarious, this is easier said than done. OSAAT tackles this by providing their schools with laptops and tablets, rather than desktops which need constant electricity.

Abhishek Dubey studied both in a govt and private school and had a strong desire to give back. What began as teaching kids from rural areas while he was in college has turned into a full-fledged organisation. They've trained over 11,000 teachers thus far, and fitted schools with an interactive panel. "We curate content and give them a screen where they play a video and facilitate a discussion in class. All this can be accessed offline."

Similarly, Caring with Colour, another NGO, focuses on providing school kids with 21st century employable skills. "We train teachers to move from black-board-style rote learning into a more experiential method where students learn through activities, games, art and projects," says Rajeev Annaluru, trustee & COO. So, if fractions are being taught, teachers use everything from chapatis to trees to explain the concept.

## SENSE OF PRIDE

Balasundaram says they see at least 5% increased enrollment year-on-year, with some schools even seeing a 25% jump year-on-year. "We've been able to break the narrative that no one wants to go to these schools. In some cases, MLAs are writing letters trying to get students in."

This sense of pride speaks to the intangible effects of this kind of transformation. Rao says, "Once basic infrastructure is in place, teachers, students, and the larger community get motivated. The administration finds it easier to raise funding. Students enrolled in private schools come back to government schools. Villages come out to celebrate the inauguration and neighbouring villages get more motivated to do the same. You can't quantify that feeling."

— Additional inputs by Ved Ghulghule



# VMB: Very Ineligible Bachelors

Untold election story: young, jobless men from land-owning families who can't get married, in Maharashtra & elsewhere. How they're voting is interesting, what they mean for India is troubling

Jaideep Hardikar



In a small cotton-growing village of Yavatmal in western Vidarbha, a young man with a Masters in his mid-30s cracked a joke on himself before breaking into a hearty laugh. My question to him was: "What do you do?"

"I am *sushtikshit, berozgar and aulvahi* (educated, jobless and unmarried)," he quipped, as half-a-dozen friends at his *pan* kiosk chortled, knowing the joke was also on them. They were all in their 30s, graduates or postgraduates, jobless, and unmarried.

Why should any woman marry them? they asked. Even if they get a bride, two of them reasoned, they won't marry, because they won't be able to raise families on atrociously puny incomes. And neither will they marry their sisters to men who rely only on farm incomes. Finally, they were almost certain that their financial situation won't dramatically improve in their lifetime.

These days, the first preference of potential brides is for men with govt jobs that don't exist, followed by private jobs that are shrinking, and then self-employed youth, backed by farmland; the foremost question being, what's the groom's annual income? Finding a good match is thus an equally daunting task for prospective brides in villages.

About two dozen men well past their marriageable age showed up at the shop when I asked how many youths of that age were unmarried in the village. There were more, they said. For at least half of them, past age 35, marriage was out of question. They'd stopped going to family weddings out of shame.

"Everyone asks, when is your number?" one of them said. That's embarrassing.

And with laughs that mask simmering anxiety bordering on anger, they poked fun at each other about their forced bachelorhood. In villages here, men or women are usually married by mid-20s.

Unemployment is not a new story. Nor lack of skills or quality education. Or unemployability. But in village unto village across Maharashtra's countryside, a supposedly prosperous state, unemployment and agrarian crisis are spurring a ravaging, if unacknowledged and far-reaching, social consequence. Educated and jobless men with family farms their only source of income are unable to find suitable brides for themselves. Jobs are a mirage. Farming is non-profitable.

Why is this disconcerting and what are the factors driving this trend? It's a no-brainer. One, rural

economy has been under duress for far too long. Two, there's been a decline in social status among land-owning castes and classes. Three, a new generation of rural youths is better educated and better informed. It is aspirational like its urban peers, albeit with fewer social, communication and other skills.

Delayed marriages are also not new to the countryside. Droughts or bad crop seasons have always pushed marriage plans. But not on the scale seen today. It's particularly stark among land-owning OBCs. Good and higher education was considered a ticket to good jobs. Now, good jobs are a ticket to getting brides or grooms, both ways around.

Remember *Toilet: Ek Prem Katha*? No toilets, no marriage. Add to it, job: Ek Prem Katha. You need a job if you plan to marry. Farmer-parents don't want their daughters to work in fields and do the drudgery they've suffered all their lives.

Marriageable young women, better educated than previous generations and with aspirations, justifiably want to marry men with steady jobs in cities and some farmland back home. Districts with a low male-female ratio, like Beed in Maharashtra, are worse off. The prosperous sugar belt is no exception.

This is in reality a pan-India problem. In a 2022 study, sociologist Alaka Malwade Basu and demographer Sneha Kumar analysed NFHS data to find that economic changes including unemployment are forcing adaptations in traditional marriage practices across the country, making men wait longer and longer to tie the knot.

Such worry can be seen even across Hindi heartland's once feudal

regions. Indeed, mixed with stagnant farming incomes, rising indebtedness and expensive higher education, the social fallout of economic pain in villages could be triggering a political churn that may shatter caste-and-class calculations for Lok Sabha polls.

As one man explained: "I was 24 in 2014, I am 34 in 2024. Nothing's changed for me." Outcome of the 2024 elections apart, this experience of rejection and disillusionment among working men and women is like a volcano about to erupt.

From its poorest eastern tip to the more prosperous western sugar belt, swathes of Maharashtra's countryside are teeming with such young and educated men, now reluctant farmers, well past marriageable age. You meet graduates and postgraduates of all hues; they've tried their luck - futilely - in the industrial belt of Mumbai-Pune-Nashik; worked in contractual employment for palty wages; lived in crowded shared chawls or rooms; tried - or are still trying - their luck at competitive exams to land a job, and failed.

Intra-state regional imbalances are adding to the fury. Vidarbha and Marathwada have been in the midst of a raging agrarian crisis for a very long time. Both are rain-dependent regions and haven't seen a new industry or sector absorb educated rural youth in close to two decades. Marathwada has also been in the throes of a water crisis that's throwing up successive droughts. No one wants to marry their daughter into a village with water scarcity, unless the groom is working in a distant city.

None of this is sudden. Nor is it limited to rural Maharashtra.

The writer is with People's Archive of Rural India

## POLITICS

Special Series on Elections



Uday Deb



P10

✓

## Dodgytal

*TN Police portal breach highlights the need for greater accountability on those storing sensitive personal data*

**T**he big data breach that hit Tamil Nadu Police last week is another demonstration of weak data security infra in the country. Hackers were not only able to access the department's Facial Recognition Software portal – which contains more than 60 lakh records of individuals, including photos, names, FIR numbers and details of police officers – but have also reportedly put the data on sale on the dark web.

**Protecting data goldmine** | Given India's huge population and growing digitisation, govt departments are increasingly storing massive volumes of data. This is also precisely why India is a big target for cybercriminals. Over the last couple of years there have been multiple data breaches, especially targeting the Indian healthcare sector.

Last year, a server breach in ICMR compromised personal information of about 81 crore Indians who had taken Covid vaccines. In 2022, a ransomware attack at AIIMS-Delhi crippled e-hospital services.



**National security threat** | Apart from potential harm to people whose data is being pilfered, there's a clear national security risk here. We already have reports of Chinese data processing farms potentially collecting gigantic volumes of data from across the world, including India. Sensitive information of political leaders and VIPs falling into the

hands of a strategic rival can be dangerous. North Korea is another known source of ransomware attacks. These need to be countered.

**Greater accountability** | India's cybersecurity infra includes agencies like the India Computer Emergency Response Team (CERT-IN). But most breaches are actually reported by foreign entities. We need to be far more proactive. Plus, there's little accountability for data breaches. India's data protection law gives sweeping exemptions to govt entities. But no one is penalised or fined when massive data hacks take place at their servers. A system of penalties needs to be instituted if cybersecurity infra is found wanting. That's the only way to keep our defences tight.



# WhatsApp & The Privacy Bubble

Two points on the messaging app vs GOI case on sharing encrypted data. India's not the only country asking for this. And internet privacy, really speaking, is an illusion

Atanu Biswas



In the plea that WhatsApp and Meta filed to contest Rule 4(2) of the IT Rules, 2021, their lawyer told Delhi HC that WhatsApp will leave India if they are told to break encryption. As per the law, major social media intermediaries must disclose the originator of any content when asked by a court or any other competent authority. WhatsApp said it would need to store millions of messages for years to comply with this. It claimed that no country, not even Brazil, had put such a law into effect.

According to WhatsApp, the traceability provision violates the basic right to privacy and is unconstitutional. However, court stated "somewhere balance has to be done" and that privacy rights were not absolute in the country.

WhatsApp has positioned end-to-end encryption as a fundamental component of its user privacy and data protection strategy ever since it launched the feature in 2016. It's interesting to note that "end-to-end" encryption has become a buzzword and is now frequently used to highlight the security of any product of this kind. People frequently think that between the two "ends", they are unbreakable.

In a July 2017 opinion piece in *The Daily Telegraph*, then UK home secretary Amber Rudd stated that "real people" aren't particularly interested in security features like unbreakable, end-to-end encryption that prevent govt and criminals from accessing their messages.

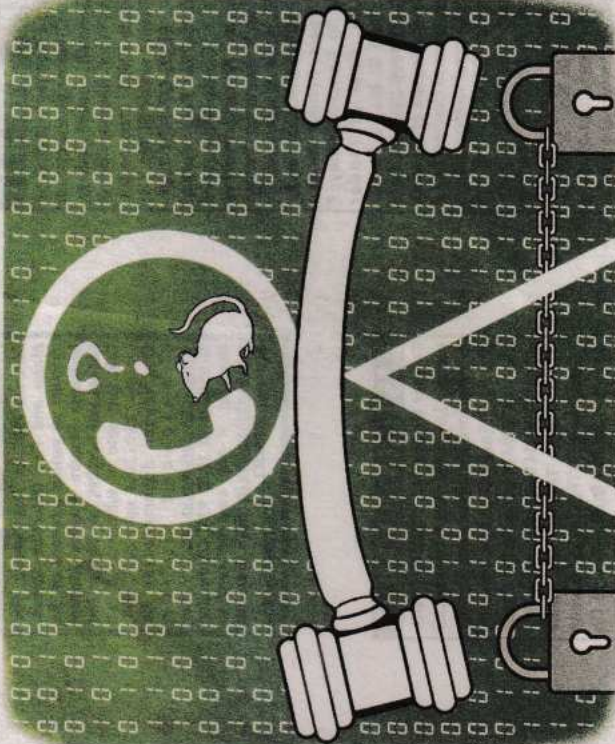
The discomfort of authorities persisted in different places. An open letter to Facebook was co-signed in Oct 2019 by the US attorney general, the acting US homeland security secretary, the UK home secretary, and the Australian home minister, requesting that the company halt its plans to implement end-to-end encryption throughout its messaging platforms.

In 2020, members of the intelligence-sharing alliance Five Eyes, comprised of US, UK, Canada, Australia, and New Zealand, along with govt representatives for Japan and India, released a statement urging tech companies to devise a way for law enforcement to access end-to-end encrypted communications.

But are our social media messaging devices so safe

that they can't be hacked? Well, the Pegasus episode makes it quite evident that they're constantly susceptible on both ends. The type of encryption, the interceptor's performance, and other factors all affect how secure the encrypted message is between the two ends. Any encrypted communication is getting increasingly insecure as computers get stronger and quantum computers become more prevalent.

In general, cybersecurity frequently resembles a cat-and-mouse game. Actually, there are two main



Weir, Jim Carrey portrayed Truman Burbank, star of a reality TV show that is aired live around the globe. Unbeknownst to Truman, his life has been a TV show since his birth, confined to the fabricated seaside town of Seahaven Island, where all but Truman were actors. Truman was thus deprived of any privacy, a fact he was unable to comprehend for 30 long years. Truman eventually realised it and burst into revolt. Consequently, we wonder if privacy is only a made-up notion. And as we are busy sharing every detail of our lives on social media, how much do we care about privacy?

And to what extent do the major tech companies care about users' privacy? In early 2021, WhatsApp told its 2 billion+ users that to continue using the service, they would need to consent to Facebook sharing their data. A lot of WhatsApp users downloaded alternative messaging apps. WhatsApp was then asked to remove its new privacy policy by GOI. Similar backlashes occurred in different other countries.

Global resistance to big tech's business models is now coming from a variety of angles. "Antitrust" has become a popular term and is gaining traction everywhere. Additionally, Australia mandated in 2021 that tech giants compensate publishers for hosting their content. Facebook, although it initially retaliated, compromised as it was unable to sacrifice the tiny share of its business in Australia.

India, on the other hand, provides a significant market share for these social networking sites. Among its 278 crore global users, WhatsApp would lose a whopping 50 crore if it were to leave the Indian market.

The controversy surrounding WhatsApp's encryption has spurred a conversation about striking a "balance" between security and privacy from the perspective of the govt's justification for traceability in situations such as acts of communal violence. Will the WhatsApp case have an amicable resolution?

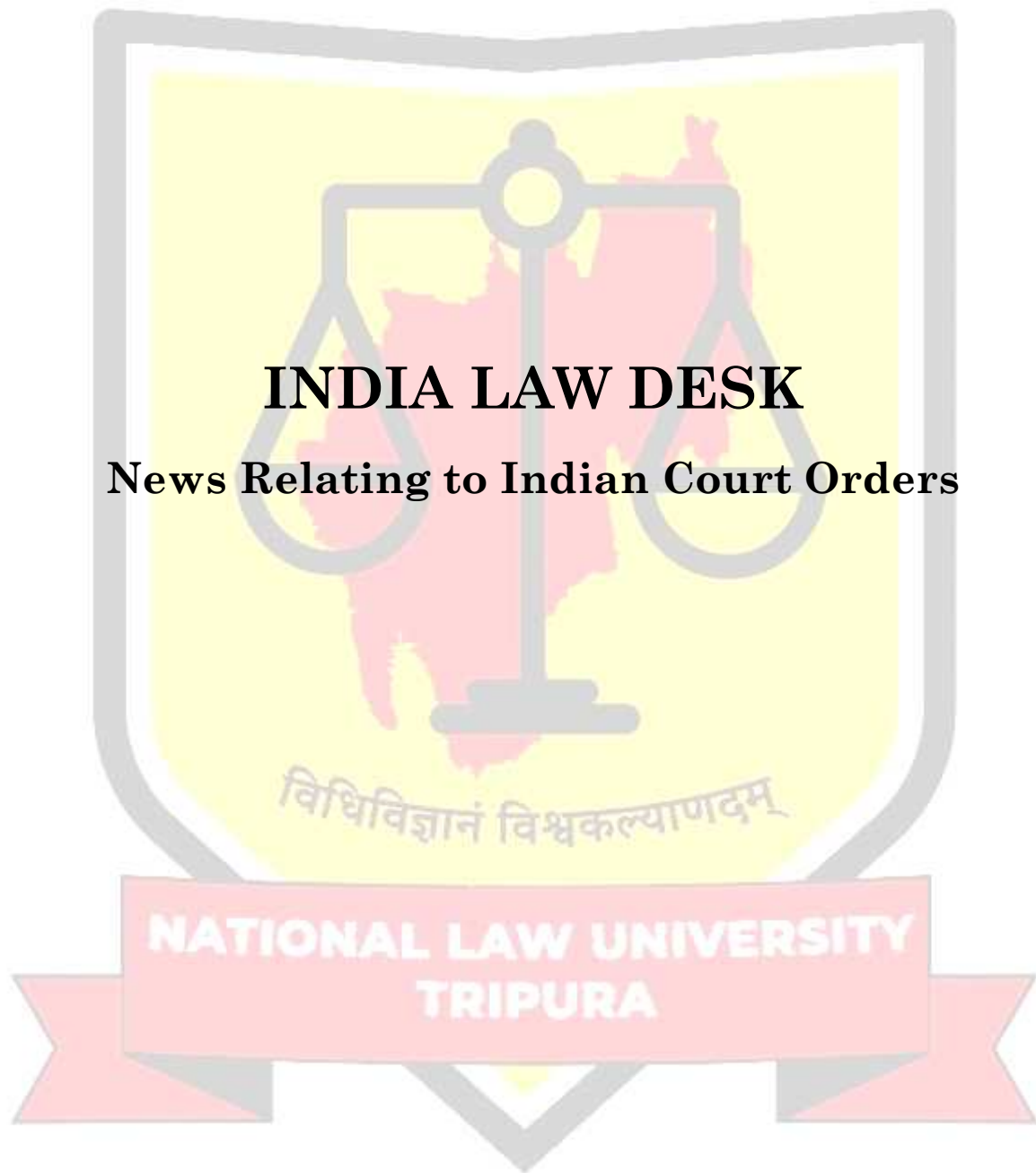
With technology constantly developing, more complex scenarios are probably going to arise in the near future. However, it's really just a triangle with the three parties concerned on three corners. The "real people", who are the third party, would continue to be confused as the other two, govt and tech giants, engage in a fierce and frequently legal tug-of-war. In fact, the "real people" are confined inside a Seahaven that they themselves helped construct. Sadly,

The writer is Professor, Indian Statistical Institute, Kolkata

In the 1998 film *The Truman Show*, directed by Peter

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# Two HP dist judges move SC, question HC collegium picks

**'Seniority, Merit, SC Collegium Advice Ignored'**

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**New Delhi:** Questioning the process of selection of judges by the Himachal Pradesh HC collegium, two senior-most district judges have moved Supreme Court alleging that the collegium not only ignored their merit and seniority but also stepped around CJI D Y Chandrachud-led SC collegium's specific advice for consideration of their names.

Reflecting a larger issue revolving around an oft-repeated grievance that HC collegiums do not scrupulously adhere to SC-devised process for selection of judicial officers and lawyers for appointment as HC judges, district judges of Bilaspur and Solan, Chirag Bhanu Singh and Arvind Malhotra, re-



The Himachal HC building in Shimla. The petitioners have sought a stay on consideration of junior judicial officers by SC collegium till apex court redressed their grievances

spectively, in their joint writ petition sought a direction to HC collegium to consider their names as per SC collegium's Jan 4 resolution.

They said SC collegium's decision to send their names for reconsideration by HC judges was followed by a communication from Union law minister to HC chief justice requesting that names of Singh and Malhotra be reconsidered by HC collegium.

The judicial officers said

HC collegium ignored SC collegium's advice and law minister's letter and without reconsidering their names, began calling for judgments of judicial officers much junior to them in a bid to step around their merit, seniority and "unblemished judicial track record". "The facts and circumstances of the present case exhibit that petitioners' valuable constitutional rights, pertinently their right to be considered, are being violated," they said.

Earlier, recommended by HC collegium for appointment as judges of Himachal Pradesh HC, names of Singh and Malhotra were placed for SC collegium's consideration on July 12 last year, which was initially deferred. On Jan 4, the CJI-led collegium remitted their names to HC collegium for reconsideration.

Petitioners said HC collegium last month "deliberately omitted their names", overlooking seniority and merit and recommended names of two "ineligible junior officers" to SC collegium for appointment as HC judges.

"The process adopted by the HC collegium stands procedurally & substantially vitiated & is contrary to established constitutional convention. Action of HC chief justice & the collegium is thus liable to be set aside," they said, and sought a stay on the process of consideration of names of junior judicial officers by the SC collegium till SC redressed their grievances.



P1


# SC stays Cal HC order nixing 25,757 Bengal school appts

**CBI To Investigate Sans Arrest, Final Hearing July 16**

Dhananjay Mahapatra  
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**New Delhi:** In a huge relief to 25,757 teaching and non-teaching staff recruited through the West Bengal School Service Commission's 2016 selection process, Supreme Court on Tuesday stayed a Calcutta High Court order annulling their appointments but warned that those recruited illegally would have to refund salaries to the state.

A bench of Chief Justice D Y Chandrachud and justices J B Pardiwala and Manoj Misra, after day-long proceedings marred by out-of-turn interjections by senior advocates, agreed to examine modalities

 The court cannot be unmindful of the impact of setting aside of a large complement of assistant teachers who are recruited for teaching Class 9-10 and 11-12 students, which would be the consequence if the impugned judgment of the high court stands  
—SC BENCH

by which tainted candidates could be segregated from non-tainted ones so as to enable the court to save the jobs of those who made it to the merit list honestly.

Dictating the order in open court much after the end of business hours at 4pm, the bench said, "The court cannot be unmindful of the impact of set-

**Very happy, mentally relaxed, says CM**

I am really very happy and mentally relaxed on receipt of justice at the highest court of the land," CM Mamata Banerjee posted on X shortly after the SC stayed Calcutta HC's order nixing 25,757 school jobs. "Congratulations to the entire teaching fraternity and my humble regards to the hon'ble Supreme Court of India," she said.

ting aside of a large complement of assistant teachers who are recruited for teaching Class 9-10 and 11-12 students, which would be the consequence if the impugned judgment of the high court stands."

However, it permitted CBI to carry on with its investigation into the recruitment scam

subject to the condition that it would not arrest the tainted recruits or take any coercive measure against them. It posted the matter for final hearing on July 16. Also, the SC continued its April 29 interim order barring CBI from interrogating ministers or state govt employees allegedly responsible for creation of supernumerary posts of teachers and non-teaching staff to appoint waitlisted candidates.

It said the court's scrutiny would focus on the appointment of those who did not figure in the list of those selected, those appointed after expiry of the validity of the selection panel, those appointed through manipulation of OMR answer sheets which helped them jump ranks and get appointed despite having submitted blank OMR sheets.

► 'Need to see...', P 9

## SC: Need to see whether tainted appointments can be segregated

► Continued from P 1

The bench was peppered with arguments from an array of senior advocates — Rakesh Dwivedi, Neeraj K Kaul, Jai-deep Gupta, Sanjay Hegde, P S Patwalia, Shyam Divan, V Giri, A M Singhvi and Pratik Dutta — who appeared for the state govt, West Bengal School Service Selection Commission, WB Board of Secondary Education and sacked teachers challenging the HC judgment. The HC decision was strongly supported by senior advocates Maninder Singh and Bikash Ranjan Bhattacharyya.

Singh said illegalities and irregularities in the recruitment were all-pervasive and that the HC had recorded SSC's statement admitting that while 8.5% of the appointments for teachers for Class 9-10 were irregular, for Class 11-12 the illegalities increased to 14.5%, for group C non-teaching staff 38.4% and group D 45%.

Singh said fresh selection was the only way out. After hearing both sides, mainly the petitioners who

**Singh said that HC recorded SSC's statement admitting while 8.5% of the appointments for Class 9-10 were irregular, for Class 11-12 the illegalities increased to 14.5%**

challenged the HC's April 22 judgment, the bench said, "We are of the view that the submissions raised on behalf of petitioners would merit further consideration. The certificate under Section 65(b) of the Evidence Act was issued, as the CBI report notes, by Pankaj Bansal, a former employee of Nysa Communication Pvt Ltd (which was tasked with scanning and evaluating the OMR sheets but outsourced it to another firm Data-scan). "The legitimacy of the certificate which has been obtained from above individual would prima facie plough the route of the data, which formed the basis of the judgment of the HC to set aside the entirety of the selection process."

The bench further said, "That apart, from the mate-

rial placed before the HC by SSC and CBI, a further issue which would emerge for closer examination is whether the appointments which suffer from taint can be specifically segregated. If such an exercise is possible, it would be unfair to set aside the entirety of selection which extends to as many as 25,000 appointments. Assuming such segregation is possible, We have to determine the modalities which are to be followed." The bench referred to its own order of Nov 9 by which it had protected recruited teachers from sacking in an interim order of Calcutta HC, and said the same protection would now be extended till July 16.

Senior advocate Dushyant Dave repeatedly asked for scrutiny of conduct of Justice Avijit Gangopadhyay, who as HC judge had ordered CBI probe into the recruitment scam. But the CJI-led bench said, "We are not here to scrutinise Justice Gangopadhyay's conduct." Gangopadhyay has since resigned as a judge, joined BJP and is contesting from Tamluk Lok Sabha constituency.

Pg



THE TIMES OF INDIA  
MAY 8, 2024

# Inclusion of foreign workers in PF unconstitutional: HC

## Order To Impact Past Contributions, Govt May Challenge

TIMES NEWS NETWORK

**New Delhi:** Fifteen years after the law was amended to include international workers within the ambit of employees' provident fund and pension scheme, the Karnataka HC has struck down the provisions as "unconstitutional and arbitrary".

The move, which is likely to be challenged by govt and the Employees Provident Fund Organisation (EPFO), will impact thousands of expatriates who have contributed to the social security scheme or are currently part of it.

The petitioners, which included those from sectors such as education, logistics, real estate and technology, argued that the provisions are hit by Article 14 of the Constitution dealing with equality before law.

"Their grievance was that international workers are covered under the PF scheme irrespective of salary drawn whereas domestic workers who draw monthly pay exceeding the prescribed statutory ceiling (i.e. Rs 15,000 per month) are outside the purview... The petitioners further argued that in-

### QUESTIONS GALORE

➤ An Indian employee working overseas continues to contribute **₹15,000** towards PF, while a foreign worker is made to make a contribution on the entire salary is "discriminatory" and violative of Article 14, says HC ruling



➤ Should international workers stop contributing or those, who contributed earlier and left the country, can claim refunds even before attaining age of 58? Then, what will happen to income tax paid on such contributions and interest, says an expert

ternational workers work in India only for a limited period and requiring them to pay contributions on their entire global salary would cause irreparable injury," EY said in a note. The order throws several challenges for expat workers and govt.

"This ruling has much larger ramifications as the same is on the provisions introduced 16 years back. To name a few, should international workers stop contributing or those who contributed earlier and left the country can claim refunds even before attaining age of 58? Then, what will happen to income tax paid on such contributions and interest as for the past few years employer's contribution to the PF in excess of Rs 7.5 lakh

and employee's own contribution to PF exceeding Rs 2.5 lakh and interest thereon on such excess contributions have been subjected to tax," said Kuldip Kumar, partner at Mainstay Tax Advisors.

In an April 25 order, Justice K S Hemalekha ruled that Employees' PF and Miscellaneous Provisions Act, 1952 was enacted to ensure that employees with lower salary brackets get retirement benefits and "by no stretch of imagination, could it be said that employees" drawing a higher salary should be given benefit under the law. It said that para 83 of EPF (dealing with international workers) "is in the nature of subordinate legislation" and cannot extend beyond the scope of the law.

"...when a ceiling amo-

unt of Rs 15,000 per month has been placed as a threshold for an employee to be a member to the scheme, para 83 of the EPF Scheme ought not to have an unlimited threshold for international workers, while denying the same benefit to Indian workers," the order said. The judgment said an Indian employee working overseas continues to contribute Rs 15,000 towards PF, while a foreign worker is made to make a contribution on the entire salary is "discriminatory" and violative of Article 14.

The HC dismissed as "unsustainable" the Centre's pitch on making the contribution mandatory as a measure of reciprocity to honour social security agreements. As a result of the agreements, employees from foreign countries are either exempted from being members or are allowed to withdraw the corpus when the leave India, instead of waiting till they turn 58 years. HC also trashed Centre's argument which sought to draw a linkage with journalists and cine workers, and said it could not be extended to foreign workers in India.



MAY 8, 2024

## Pepper spray a 'dangerous weapon', says HC

TIMES NEWS NETWORK

**Bengaluru:** Citing a US court ruling, the Karnataka High Court observed recently that pepper spray was a dangerous weapon, and refused to quash investigations in a criminal case registered against C Ganesh Narayan, one of the directors of jewellery brand C Krishnaiah Chetty & Sons (CKC & Sons), and his wife Vidya Nataraj.

The petitioners were accused of attacking Randeep Das, a security guard employed by CKC & Sons showroom

at Shivajinagar in Bengaluru, and some labourers working on their compound wall on April 29, 2023.

Both sides indulged in verbal and physical fights, during which Vidya alleged-

### RED ALERT

ly used pepper spray.

On a complaint filed by Das, a case was registered against the petitioners under IPC sections 323 (punishment for causing hurt), 324 (causing hurt with weapons), 341 (wrongful restraint), 427

(mischief causing damage), 504 (intentional insult) and 506 (criminal intimidation).

Challenging the complaint, the petitioners argued they were forced to use pepper spray in defence and it is protected under IPC section 100 (right to self-defence).

They claimed Das and the others attempted to interfere with their property and there was injury caused to Vidya as well.

"Pepper spray is undoubtedly a dangerous weapon. There is no determination by any law being laid down in

this country with regard to usage of pepper spray being a dangerous weapon, but a court in USA in *People vs Sandez* (case) in 2018 has held that noxious chemical sprays, like pepper sprays, are dangerous weapons," the judge held.

Rejecting the right to private defence invoked by the petitioners, Justice M Nagaprasanna, citing a Supreme Court ruling, said Vidya could not have used pepper spray "as prima facie, there was no imminent threat or danger to her life".



## Specify timeline to pay damages for razed houses: HC to Assam

Mukut.Das@timesgroup.com

**Guwahati:** Gauhati high court has directed Assam govt to specify in a week the "time by which compensation will be paid" to the six families whose houses were demolished in Nagaon district in 2022. The houses were demolished a day after a mob set Batadrava police station ablaze in protest against the custodial death of a fish vendor, Safiqul Islam, on May 21, 2022.

Assam's home and political (A) department had submitted before a bench of Chief Justice Vijay Bishnoi and Justice Suman Shyam that the amount of compensation had been determined and that the matter had been referred to the finance department for payment of compensation.

A one-man inquiry com-



Assam govt told HC that the amount of compensation had been determined and the matter referred to finance dept for payment of compensation

mittee led by the chief secretary was constituted by state govt last year to conduct an investigation into the police station arson case and demolition of the houses. The committee submitted its report to the home and political department in Jan 2024. The report was later submitted to the court in a sealed en-

velope by senior govt advocate D Nath in Feb.

Pursuant to the report, the home and political department wrote to the revenue and disaster management department to assess the loss on account of demolition of the houses of six people. The report remained under consideration of the state govt for a long time.

Sources said the compensation for a demolished pucca house would be Rs 10 lakh and Rs 2.5 lakh for a kuchcha house.

The police had filed a chargesheet against 24 accused in connection with the arson. During the investigation, five houses were demolished by the police and administration stating that they were illegally occupying govt land.

The next hearing has been listed for May 14.

### **SC: Endorsers of products must act with responsibility**

**New Delhi:** It is imperative for celebrities and public figures to act responsibly while endorsing a consumer product, Supreme Court said on Tuesday as it clamped down on misleading advertisements.

The SC directed that before an advertisement is permitted to be issued, a self-declaration be obtained from advertisers on the line of the Cable Television Network Rules, 1994. Rule 7 of the law stipulates an advertisement code that says advertisements carried should be designed to be in conformity with the laws of the country.

"We are of the opinion that advertisers, advertising agencies and endorsers are equally responsible for issuing false and misleading advertisements," the top court said. PTI

► 'Lodge complaints', P 12



## 'Encourage consumers to lodge complaints'

►Continued from P 1

Endorsements by celebrities, influencers and public figures go a long way in promoting products and it is imperative for them to act with responsibility while endorsing any product in the course of advertisement and taking responsibility for the same," the bench of justices Hima Kohli and Ahsanuddin Amanullah observed.

The SC said the ministries concerned need to set up a specific procedure which

will encourage consumers to lodge complaints regarding misleading advertisements be taken to their logical conclusion.

It said self-declarations by advertisers shall be uploaded on the 'Broadcast Seva' portal which runs under the aegis of the Ministry of Information and Broadcasting. Regarding advertisements in the print media, the bench said the ministry shall create a portal within four weeks

and advertisers shall file self-declaration before issuing any

It also asked the health ministry to file an affidavit regarding complaints received from 2018 onwards by FSSAI on misleading advertisements concerning food products. The bench referred to the Central Consumer



Protection Authority guidelines including those related to children-targeted advertisements and duties of the manufacturer, service pro-

vider, advertiser and advertising agency. It also perused the affidavits filed by the ministries of Ayush, consumer affairs and information and broadcasting. During the hearing, the bench questioned the Centre over an August 29, 2023 letter by Ministry of Ayush asking the licensing authorities not to take any action under rule 170 of Drugs and Cosmetics Rules, 1945.

The bench told Additional Solicitor General K M Nataraj that the ministry shall "forthwith" withdraw the August 29 last year letter.

**Trial courts  
should not act  
as 'mere tape  
recorders': SC**

**New Delhi:** Courts have to take a participatory role in a trial and not act as "mere tape recorders", Supreme Court said and lamented that there is "practically no effective and meaningful cross-examination" by public prosecutors of any hostile witness during hearings of criminal appeals. The apex court said a judge has to monitor the proceedings in aid of justice and, even if the prosecutor is remiss or lethargic in some ways, the court should control the proceedings effectively so that the truth is arrived at.

Observing that relations between the public prosecution service and the judiciary are the very cornerstone of the criminal justice system, a bench headed by Chief Justice D Y Chandrachud said time and again, the top court has said there should not be any element of political consideration in matters like appointment to post of public prosecutor etc.

The observations by the bench, also comprising justices J B Pardiwala and Manoj Misra, came in a judgment while upholding the conviction and life sentence awarded to a man for murdering his wife in 1995.

It said the court must be conscious of serious pitfalls and dereliction of duty on the part of the prosecuting agency. The bench said a judge is expected to actively participate in the trial, and elicit necessary materials from the witnesses in the appropriate context which he feels necessary for reaching the correct conclusion.

It said any crime committed against an individual is a crime against the entire society and in such circumstances, neither the public prosecutor nor the presiding officer of the trial court can afford to remain remiss or lackadaisical in any manner. ■



## SC stays CBI probe against state cabinet in SSC recruitment scam

Dhananjay Mahapatra  
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**New Delhi:** Supreme Court on Monday did not stay the Calcutta HC decision to junk appointment of over 25,000 teachers in Bengal but stopped further probe by CBI into the recruitment scam as the state apprehended that the central agency would destabilise govt by arresting the entire cabinet during electioneering.

A bench of Chief Justice D Y Chandrachud and justices J B Pardiwala and Manoj Misra stood firm in its prima facie view about massive irregularities in recruitment of teachers in 2016, as pointed out by an HC division bench, and brushed aside spirited arguments from an array of senior advocates — Rakesh Dwivedi, Neeraj K Kaul, Dushyant Dave, Mukul Rohatgi, P S Patwalia and Jaideep Gupta — who sought a complete stay of the

HC order cancelling the entire teacher selection process.

Dwivedi and Kaul, egged on by state counsel Astha Sharma, argued that one of the 14 directions issued by the HC — “CBI to undertake further investigations regarding persons involved in the state government approving creation of supernumerary posts to accommodate illegal appo-

► ‘Whole process...’, P 8

intments. If necessary, CBI will undertake custodial interrogation of such persons involved” — would lead to arrest of all ministers as cabinet had approved the note on creation of supernumerary posts on humanitarian grounds for waitlisted candidates.

“During elections, CBI will register FIRs and the entire cabinet will go to jail,” Dwivedi said. The bench saw merit in this argument and stayed this HC direction.

## Process is replete with irregularities: SC

► Continued from P 1

The SC bench of Chief Justice D Y Chandrachud and Justices J B Pardiwala and Manoj Misra posted the SSC matter for further hearing on May 6. However, the SC did not interfere with the other 13 directions to CBI and minced no words on the palpable irregularities in the recruitment.

Dwivedi, appearing for state govt, said CBI found 8,000-odd recruitments to be irregular and asked how HC cancelled the recruitment of 25,000-odd teachers on this basis. The bench said, "The whole process is re-

plete with irregularities."

CJI Chandrachud added, "Look at the process by which the whole recruitment was done. Originally, NYSA (an agency) was appointed (for scanning and evaluating OMR answer sheets). Then Data Scantach comes in and the staff selection commission says it does

not know how the second agency came in. The OMR sheets are destroyed by the SSC. The mirror images (of OMR sheets) are not there on the server any more. People who are not on the panel are recruited. This is a complete fraud. Why were supernumerary posts created even after irregular-

ities were found in the recruitment? Ultimately, the HC direction to CBI is to probe further."

This led to the counsel for the state and axed teachers to vociferously argue that those who were recruited illegally should be segregated from the non-tainted candidates.

Appearing for West Bengal staff selection commission, senior advocate Jai-deep Gupta said the commission could segregate tainted and untainted candidates. For a petitioner before the HC, senior advocate Maninder Singh asked, "When the OMR sheets are destroyed and the mirror image data from servers are erased, how

will it segregate irregular appointees?"

He said in a number of judgments, SC had set aside the entire recruitment process when it was impossible to segregate irregular appointments in a tainted recruitment process.

The CJI raised the same question but as the court had overrun its business hour, it asked the senior counsel appearing for Bengal and teachers to divide among themselves the issues they would argue on May 6 for a structured approach. "You have to demonstrate before the SC how the HC findings are not based on evidence and how they are wrong," the CJI said.





## Suvendu brother case: HC bench sets aside ex-judge Ganguly's order fining cops

Subrata Chattoraj | TNN

**Kolkata:** Calcutta High Court on Monday set aside an order by former HC judge Abhijit Ganguly, who had fined the Egra sub-divisional police officer Rs 5 lakh for "harassing" Krishnendu Adhikari, state leader of opposition Suvendu Adhikari's elder brother.

Ganguly joined BJP this March. He is the party's candidate in Tamluk, one of the Lok Sabha constituencies in East Midnapore, the Adhikaris' home district.

A division bench of Chief Justice T S Sivagnanam and Justice Hiranmay Bhatta-

A Calcutta High Court division bench set aside former judge Abhijit Ganguly's order as he had passed it without giving "appropriate opportunity" to the state to file its affidavit. The bench observed that such a situation was "uncalled for"



charyya set aside Ganguly's order as he had passed it without giving "appropriate opportunity" to the state to file its affidavit. The bench observed that such a situation was "uncalled for".

The bench directed the registry to list Krishnendu's petition in an appropriate court to be heard "afresh" after five weeks in June and stayed the

notice sent to him under Section 160 of the Criminal Procedure Code till the matter was heard out again.

Egra cops had sent a notice to the assembly opposition leader's brother, asking him to attend a questioning session as a "witness" in a case over poor lighting on the Mecheda-Digha Bypass in East Midnapore. Krishnendu mo-

ved the former HC judge's court in November 2023, praying for quashing of the police notice as officers went beyond the case and asked him to attend the session with the records of 10 years' income-tax returns.

Ganguly admitted Suvendu's brother's petition and passed an order on the same day, imposing Rs 5 lakh as cost on the Egra SDPO for "harassment". "This is nothing but harassment. The police force was not created to harass a citizen," the former judge observed.

► Order passed, P 10

P10

### **HC rejects Koustav affidavit on MP remarks**

**Kolkata:** The Calcutta HC didn't entertain an affidavit filed by lawyer Koustav Bagchi urging the court to take suo motu cognizance of remarks made by a TMC MP against the judiciary, reports **Subrata Chattoraj**.

A division bench of Chief Justice TS Sivagnanam and Justice Hiranmay Bhattacharyya instead asked Bagchi to make an application that would be taken up along with two other applications. The CJ said: "You file an application. We will hear it."



97

### **Reserve 33% bar association posts for women, orders SC**

**New Delhi:** SC on Thursday directed that at least one-third of posts in the executive committee of Supreme Court Bar Association should be reserved for women. The polls are scheduled this month. SC directed that at least three out of nine seats in the executive committee and two out of six senior executive members be reserved for women members of the Bar. TNN

MAY 1, 2024

## Can Succession Act be applied to 'non-believer Muslims'? SC to examine

Dhananjay Mahapatra  
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**New Delhi:** Supreme Court on Monday agreed to examine a contentious issue — why provisions of the secular Indian Succession Act do not apply to a non-believer Muslim who wants to divide property equitably among his children by discarding Muslim Personal (Shariat) Application Act's succession provision that privileges sons.

As a Muslim woman narrated the pitiable state she and her father, both non-believers in Islam, found themselves in regarding the division of property, a bench of CJ D Y Chandrachud changed tack from "we can't give a declaration that a non-belie-

**The bench issued notice to Union govt and requested AG R Venkataramani to depute a law officer to assist the court**

ver Muslim would be governed by ISA" and said the petition had raised an important issue for adjudication by the SC. "How can a secular law not apply to Muslims?" the bench asked and posted the matter for further hearing in the second week of July. The bench issued notice to Union govt and requested attorney general R Venkataramani to depute a law officer to assist the court.

► 'No authority', P 10



# There's no authority where non-believer Muslim can go

Continued from P 1

The woman said she had a brother who was afflicted with Down Syndrome and she and her father took care of him.

She said as per Shariat, the daughter got only half the share of what the sons are entitled to receive as successors of their father, which meant



the daughter would get one-third.

Her counsel argued that if "something happened to the

**After reading Section 3 of Shariat law, SC said if the father did not make a declaration that he is a Muslim, he could escape rigours of Muslim personal law**

son", then his share would not go to her or her daughter, but to some relative of her father. "There is no authority where

my father can go and say that he is a non-believer Muslim and that he would like to give effect to an equitable succession through the secular ISA," he said.

After reading Section 3 of the Shariat law, SC said if father does not make declaration that he is Muslim, he could escape the rigours of Muslim personal law. The

bench looked at Section 58 of the ISA, which provides that "testamentary succession to property of any Muhammadan" will not be covered by this legislation. The SC realised that even if a non-believer Muslim attempts to wriggle out of the succession rights under Shariat law, he would still find it difficult to bring himself under ISA umbrella.

## 19k kids awaiting adoption in shelter homes: Govt to SC

Dhananjay.Mahapatra@timesgroup.com

**New Delhi:** Union govt has informed Supreme Court 18,807 orphaned, abandoned and surrendered children are awaiting adoption in child care institutions (CCIs) across India of whom nearly 8,800 have no visitation from their parents.

In Nov, SC had asked additional solicitor general Aishwarya Bhati to personally ensure compilation of data on children lodged in CCIs in every district.

Centre in its affidavit has told SC that Tamil Nadu CCIs housed the largest number of such children at 1,541, followed by J&K (1,035), Maharashtra (1,007), UP (850), Odisha (809), Rajasthan (685), and West Bengal (423).

A question before SC, which is attempting to speed up and smoothen the abysmally slow and complicated adoption process under Central Adoption Resource Authority (CARA), is whether adoptions under the Hindu Adoption and Maintenance Act (HAMA) can be brought under the supervision of CARA, which at present monitors adoptions under the Juvenile Justice (Care and Protection of Children) Act.

Opposing the suggestion from Piyush Saxena of NGO 'The Temple of Healing', Centre said, "HAMA and JJ Act are separate legal frameworks governing adoption. While HAMA is a personal law, JJ Act is a secular and progressive law. HAMA specifically deals with adoption within the Hindu community and provides guidelines and procedures for Hin-



Nearly 8,800 children in childcare institutions across India have no visitation from their parents, the Centre said

dufamilies wishing to adopt.

"While HAMA governs adoption within the Hindu community, JJ Act applies to all children, irrespective of their religion or background, who are in need of care and protection. The adoption process under JJ Act involves stringent procedures to ensure the best interests of the child, including assessment, matching and follow-up procedures conducted by adoption agencies under the Act."

It said: "Prevalence of open and direct adoptions under HAMA is indeed common, especially between known couples, whether they are relatives or otherwise. While these adoptions may not require extensive formalities, they can lead to legal complications, particularly concerning property rights or succession rights within the family."

Between 2021 and 2024, there were 10,875 adoptions under JJ Act and 19,424 under HAMA, Centre said.



P7

## Accused can raise juvenility plea any time: HC

**Bengaluru:** Karnataka HC has observed that an accused can raise a plea any time that he was a minor at the time of the alleged offence and directed the Juvenile Justice Board to consider afresh the case of a rape-accused teen from Kampli in Ballari district.

The teen was accused of

sexually assaulting a minor in his neighbourhood. The case was registered on a complaint from the girl's grandmother. Since both the accused and the survivor were aged about 16 and specific age proof was not available about the suspect, an ossification test was conducted, indicating his age between

16 and 18 at the time.

The case was then transferred to a special court for cases under the Pocso Act, 2012. The accused challenged the move in HC, contending that he should have been tried under the Juvenile Justice Act. On the other hand, prosecution argued that the trial

was already at the stage of arguments. After perusing materials on record and several Supreme Court judgments, Justice M Nagaprasanna noted that the petitioner had never attended school. Hence, his school records weren't available. The judge suspended the Pocso proceedings. TNN

## Can't let public be taken for a ride, says SC on misleading ads

**New Delhi:** "We can't let the public be taken for a ride," Supreme Court said on Tuesday while asking Centre and state licensing authorities to "activate" themselves to deal with misleading advertisements.

While questioning Centre over an Aug 2023 letter by the ministry of Ayush asking the licensing authorities not to initiate or take any action under rule 170 of Drugs and Cosmetics Rules, 1945, SC also pulled up Indian Medical Association (IMA) about the alleged unethical acts of its members in prescribing highly expensive medicines for valuable consideration.

A bench of justices Hima Kohli and Ahsanuddin Amanullah, while hearing the case related to misleading advertisements by Patanjali Ayurved Ltd, said there are several other Fast-Moving Consumer Goods (FMCGs) companies going that way and Centre has to respond as to

### Patanjali: SC poser on newspaper apology

In the cross hairs of Supreme Court over misleading advertisements, Patanjali's Ramdev and his aide Balkrishna on Tuesday faced questions about how prominently they have published their unqualified apology in newspapers. "Is it the same size of advertisements that you normally issue in newspapers?" a bench of justices Hima Kohli and Ahsanuddin Amanullah asked them. PTI

what it has done about this.

"We can't let the public be taken for a ride," the bench observed, adding, "If this (misleading advertisements) is happening, the Union of India needs to activate itself and so do the state licensing authorities". PTI

► 'Expensive meds', P 8



P8

## SC: IMA docs prescribing expensive meds

► Continued from P 1

You can't just shrug your shoulders and say I have conveyed the complaint to the state authority and it is for them to do what they are doing," the bench said. The bench told the IMA's counsel that while the association is pointing fingers at Patanjali, "the other four fingers are also pointing at you (IMA)".

"It is not going to be all just that there are FMCGs. There is you and your members who are prescribing medicines on the strength of recommendations made for which there is valuable consideration from what we understand," the bench said, adding, "If that is happening, why should not we turn the

beam on you?"

The IMA's counsel said he would look into this issue.

The bench also sought to know from the Centre about a letter issued in August last year by the Ministry of Ayush to all the states/UTs licensing authority and drug controllers of Ayush. "You have said that in exercise of powers conferred... all states/UTs licensing authorities are hereby directed not to initiate/take any action under rule 170 of Drugs and Cosmetics Rules, 1945," it said.

It referred to a statement by a minister of state in Parliament that there was ample ground to protect the consumers and steps have been taken to tackle advertisements of Ayush drugs which are

misleading.

"What has weighed with you to do this that henceforth rule 170 will not be given effect to?" the bench asked, adding, "Can you do that? Is it not arbitrary and colourable exercise?"



It also asked the Centre what complaints they have received against other FMCG firms and action they have acted taken on them.

During the hearing, Justice Amanullah observed, "I will not take the name of the channel. It was flashing the news that this is what is done in the court today, and on the side, the advertisement was coming. What irony!"

The apex court is hearing a plea filed in 2022 by the IMA

alleging a smear campaign against the Covid vaccination drive and modern systems of medicine.

During the hearing on Tuesday, the top court also took note of an intervention application seeking imposition of Rs 1,000 crore cost on the IMA for filing the petition.

"I have nothing to do with it. I have no idea," senior advocate Mukul Rohatgi, appearing for Yoga guru Ramdev and his aide Balkrishna, told the bench.

"We are very curious at the timing of the application," the bench said, adding that it would take up the application when the applicant is present before the court.

The bench has posted the matter for further hearing on April 30. PTI

P1

## Childcare leave for women is a constitutional mandate: SC

**New Delhi:** The Supreme Court on Monday said two-year childcare leave, apart from mandatory maternity leave of 180 days, for a woman employee is a constitutional mandate and denial of such leave is akin to asking her to quit her job, **reports Dhananjay Mahapatra.** This strong remark came from a bench of CJI D Y Chandrachud and Justice J B Pardiwala when petitioner Shalini Dharmani, an assistant professor in a govt Himachal college, complained that she has a child with rare genetic disorder that requires multiple surgeries and constant care.

Dharmani told the court that she has exhausted her leaves and that the HP govt had refused to grant her childcare leave.

► Participation a right, P 8



## SC: Participation of women in workforce a right

► Continued from P 1

Shalini Dharmani through her counsel Pragati Neekhara, told the court that she had exhausted her leaves and that HP govt had refused to grant her childcare leave as the state service rules do not have a provision akin to Section 43-C of the Central Civil Service (Leave) Rules, which in 2010 was modified to allow women employees to take childcare leave of 730 days till their disabled children attain 22 years of age, and women with normal children can avail of till the kids reach 18 years of age.

Taking exception to the absence of such a rule in Himachal, the CJI-led bench said, "Participation of women in the workforce is not a privilege but a constitutional mandate. Childcare leave subserves an important constitutional objective to make women a part of the workforce. Otherwise, mothers will be left with no option but to quit their jobs to look after their children in critical phases of their lives."

The bench directed Himachal govt to forthwith



Childcare leave subserves an important constitutional objective to make women a part of workforce, said the SC

constitute a high-level committee chaired by the chief secretary and comprising secretaries of social welfare and women and child welfare departments to reconsider the entire issue of childcare leave to women employees.

It asked the committee to engage with Union ministries concerned and file a report, recommending appropriate policy decision on inserting childcare leave for women in the state service rules, before the court by July 31. In the meantime, the court asked HP govt to consider granting her extraordinary leave to attend to her son, who suffers from a rare genetic disorder, osteogenesis imperfecta (brittle bone disease).

P8  
**Court clears 3 men of charges under MCOCA**

**New Delhi:** A court has acquitted three accused of charges under the stringent Maharashtra Control of Organised Crime Act (MCOCA), stating that Delhi Police had erroneously concluded that they had committed an organised crime.

The court of additional sessions judge Pulastya Pramachala observed that the confession statements of the accused,

which were admissible as evidence under MCOCA, did not help cure the defect in the prosecution's case or prove the charges against them. The court was hearing a case against Satender alias Baba, Ajeet and Rahul, who were accused of running an organised crime syndicate, including collecting intelligence, conveying threats and using violence. TNN



P3  
**Plea on dog ban  
order quashed**

**Kolkata:** The Calcutta High Court on Monday dismissed a petition challenging a central notification banning the import, sale, and breeding of dog breeds, including Pitbull, Rottweiler, Terrier, Mastiffs, and their crossbreeds, which are generally considered dangerous.

The Centre told Justice Sabyasachi Bhattacharyya that it has already rolled back its notification and based on a Delhi HC order, is seeking fresh stakeholder consultations before issuing fresh orders. Justice Bhattacharyya said in light of the Centre's submissions, the petition has become infructuous.

Reacting to the HC order, PETA India in a statement supported the ban, citing these breeds' use in illegal dog-fighting. TNN

# On SC prodding, 2k of 4.7k MP/MLA cases settled in '23

1,746 Cases  
Added Last Yr,  
Pendency Rises  
To 4.5K

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- New Delhi: Supreme Court's constant monitoring of progress in criminal case trials against MPs and MLAs has shown encouraging results with designated courts giving judgments in 2,018 of 4,697 pending cases last year alone.

This reverses the trend of the past, when cases against former and sitting legislators took years to be decided by trial courts, allowing elected representatives to continue their political careers unmindful of the threat of disqualification under Representation of the People Act upon conviction in a corruption case or conviction and sentence of imprisonment for two or more years.

SC in 2013 had quashed Section 8(4) of RP Act that allowed convicted legislators, who were sentenced to more than two years, to retain their

## 100% DISPOSAL RATE IN DELHI LAST YR

18% (501) of 2,810 candidates in Phase-I and Phase-II have criminal cases against them, with 12% of these serious in nature

As of Jan 1, 2023, trial courts had decided 43% of the 4,697 pending cases against former and sitting legislators  
UP had the highest number

of criminal cases against MPs and MLAs, of which it disposed of 766 cases (59%)

Delhi courts achieved almost 100% disposal of criminal cases against legislators last year

Haryana, HP, J&K, Odisha, Telangana, and Bihar had low disposal rates for criminal cases against legislators

seat in the House if they filed an appeal against conviction in a higher forum within 90 days of the judgment. At present, disqualification is automatic on conviction and the MP/MLA can get back his seat in the House only if a higher forum stays the conviction and sentence.

Compiling data with assistance from advocate Sneha Kalita on pending cases against former and sitting MPs and MLAs, amicus curiae and senior advocate Vijay Hansaria in his 20th report in the petition by Ashwini Upadhyay told SC that for Lok Sabha elections 2024 Phase-I and Phase-II, out of 2,810 candidates (Phase-I - 1,618, and Phase-II - 1,192), 501 (18%) candidates have criminal

cases against them, out of which 327 (12%) are serious in nature (punishable with imprisonment of five years and more).

Hansaria detailed the encouraging trend in disposal of criminal cases against legislators. Of the 4,697 cases pending as on Jan 1, 2023, trial courts had decided 2,018 cases (43%). However, another 1,746 cases were added against legislators last year, taking the pendency to 4,472.

Uttar Pradesh had the highest number of criminal cases against sitting and former MPs and MLAs at 1,300, of which it disposed of 766 cases (59%). However, as many as 610 fresh cases against legislators found their way to the designated

courts in the state, taking the pendency to 1,146 cases, the highest pendency of such cases in states.

Interestingly, Delhi courts achieved almost 100% disposal of such cases last year by deciding 103 of 105 pending cases. However, another 108 were added to the tally taking the pendency to 110. But the disposal rate of cases last year against legislators remained abysmal in Haryana (10%; five out of 48), Himachal Pradesh (11%; eight of 72), J&K (zero out of 13), Odisha (12%; 56 of 440), Telangana (18%; four of 22), and Bihar (32%; 171 of 525).

Number of criminal cases pending trial against sitting and former MPs/MLAs in UP was 1,144, Bihar 483, Maharashtra 424, Odisha 423, Kerala 334, Madhya Pradesh 321, Tamil Nadu and Karnataka 242 each, and Jharkhand 151.

Though trials have been expedited because of SC monitoring, the amicus curiae said criminal cases against legislators did not reach the trial stage as investigation was slow in many cases. Hansaria in his report informed the court about a Punjab and Haryana HC order expressing dismay at the pace of investigation into such cases.



## A Matter Of Trust

*SC's varied verdicts on state acquisition of pvt properties have been confusing. And people are suspicious of govts*

**N**ine-judge benches in the Supreme Court are infrequent. But when they are formed and reach a decision, it should settle substantive questions of law. According to the National Judicial Data Grid, there are 136 pending cases (main and connected matters) for nine-judge benches. One such bench began its work this week to settle an issue that's been a cause of confusion for over four decades.

**Not always in harmony** | This case gives a sense of how the intersection of laws and judicial interpretation doesn't always lead to clarity. It sometimes leads to questions over the efficacy of constitution benches.

The origin goes back to 1977 when a seven-judge bench, interpreting Article 39(b), in a 4:3 decision concluded that privately owned resources did not fall within the scope of material resources of a community. In 1983, a five-judge bench relied on the minority opinion to interpret some laws. This was upheld by a nine-judge bench in 1997. However, in 2002, another bench wanted these

inconsistent verdicts resolved. Over two decades later, SC has got down to it.

**Current case** | Maharashtra in 1986 passed a law that allowed a state body to acquire certain properties for restoration if 70% of owners consented. This law stated that it aimed to fulfil the principles advocated by the Constitution's Article 39(b). A body representing property owners challenged it, but there was no result.

In 2019, this law was amended again to make time-bound redevelopment mandatory, failing which the state could take over the property.

**Eminent domain** | SC's bench will resolve accumulated inconsistencies, but there's a larger public policy issue at stake. Here, Every economically successful country has used the doctrine of eminent domain. It means the state can acquire private property to serve public interests. That's been the prerequisite for transformational infrastructure development. The key however is that there has to be trust in the claim that forcible acquisition of private property is for a public purpose.

**Trust, missing element** | Property owners in Maharashtra who are litigating believe the law's real intent is to help real estate firms. Similar distrust among farmers has also stalled adjustments in India's land acquisition legislation.

SC's inconsistency across benches has created avoidable delays. It should end this time. But questions about efficacy will remain because if people lack trust in a law's intent, the answer lies in the governance system.





# SC mulls whether 9-J bench can put Art 31C validity to test

## Article Shields 39(b) & (c) Laws From Legal Eye

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**New Delhi:** Supreme Court on Wednesday witnessed an engrossing debate over the existing architecture of Article 31C, added to the Constitution in 1971 to shield legislations furthering objectives of Article 39(b) & 39(c) in Directive Principles of State Policy from court scrutiny for alleged violation of fundamental rights under Articles 14 (equality) and 19 (freedoms).

A nine-judge bench of Chief Justice D Y Chandrachud and Justices Hrishikesh Roy, B V Nagarathna, S Dhulia, J B Pardiwala, Manoj Misra, R Bindal, S C Sharma and A G Masih, which had on Tuesday categorically said that it would not go into the controversy relating to Article 31C, changed tack and asked, "Is it not desirable that Article 31C's validity is put to rest by an authoritative pronouncement from the nine-judge bench?"



SC, which had on Tuesday categorically said it would not go into the controversy, said the 1980 Minerva Mills order had 'created a conundrum'

Solicitor general Tushar Mehta said the seven-judge bench in its Feb 2002 order referring interpretation of Article 39(b) to a nine-judge bench had consciously omitted Article 31C from the ambit of consideration as the 13-judge bench in Kesavananda Bharati case in 1973 had upheld the validity of its core principle. What the Bharati judgment invalidated was the part that barred courts from even scrutinising whether the legislations had any nexus with the objective of Article 39(b) to enjoy the shield.

Smarting under the 'basic structure doctrine' ruling in Bharati case that circumscribed Parliament's power under Article 368 to amend the Constitution, Indira Gandhi govt in Dec 1976, through the in-

famous 42nd constitutional amendment, expanded Article 31C's ambit by which no legislation furthering any of the goals enshrined in the entire Directive Principles chapter could be challenged in court.

SC in Minerva Mills case in 1980 struck down the amendments as violative of the 'basic structure doctrine' but created an ambiguity as to whether Article 31C was struck down in its entirety or only that part which was inserted in 1976. CJI Chandrachud referred to this and said, "Minerva Mills created a conundrum regarding Article 31C."

Mehta stuck to his guns and said within months of Minerva Mills judgment, the SC in Waman Rao case ruled that "Article 31C of the Constitution, as it

stood prior to its amendment by Section 4 of the Constitution (42nd Amendment) Act, 1976, is valid to the extent to which its constitutionality was upheld in Kesavananda Bharati. Article 31C, as it stood prior to the Constitution (42nd Amendment) Act does not damage any of the basic or essential features of the Constitution or its basic structure".

The bench asked whether Minerva Mills made any provision for revival of Article 31C after it struck down the entire amended version. Mehta cited the National Judicial Appointments Commission Act that had replaced the court-crafted collegium system for selection of constitutional court judges. He said when the SC struck down NJAC Act, it had ruled that the collegium system automatically revived. He argued that striking down the amended portion of Article 31C would revive the provision as it existed prior to the 1976 amendment. Attorney general R Venkataramani and senior advocate Rakesh Dwivedi said once the validity of the provision was upheld by a 13-judge bench, it would not lie within the domain of a nine-judge bench to go into it again.



## Won't go by 'Marxist interpretation' of wealth redistribution, says SC

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**New Delhi:** With political slugfest over redistribution of wealth escalating, Supreme Court on Wednesday said it would not adhere to Justice V R Krishna Iyer's 1977 Marxian interpretation of Article 39(b) of the Constitution that a community's "material resources" would include private properties for reallocation to subserve the common good.

Engaged in interpreting the ambit of Article 39(b) of Directive Principles of State Policy, a nine-judge bench of CJI D Y Chandrachud and justices Hrishikesh Roy, B V Nagarathna, S Dhulia, J B Pardiwala, Manoj Misra, R Bindal, S C Sharma and A G Masih said there must be a distinction between community resources, held in trust by the present ge-

### 'CANNOT TAKE PERSONAL PROPERTY'

➤ Bench says there **must be a distinction between community resources**, held in trust by the present generation for future generations, **and privately owned property**

➤ **Community property would include natural resources** as these too are held in trust for future generations, **hints CJI**

➤ Adds that Article 39(b) **'should not be taken to the level of taking someone's personal property for distribution'**

neration for future generations, and privately owned property. "We don't have to go as far as the Marxist socialist interpretation by Justice Krishna Iyer [in Ranganatha Reddy case of 1977]," the CJI said.

► **'Not a vehicle', P 6**

P1.

# Art 39(b) not a vehicle to take over community resources: CJI

Continued from P 1

CJI D Y Chandrachud said: "Community resources will surely include resources which the present generation holds in trust based on inter-generational equity."

He said there were two extreme views on this: "The Marxist socialist view is everything belongs to the state and the community. The capitalist view puts importance on individual rights. And there is the Gandhian view of holding resources in trust for protecting inter-generational equity." Speaking for the bench, the CJI indicated community property would include natural resources, exploitation of which is governed by the SC-defined

sustainable development norms, as these are held in trust by the present community for future generations. However, he caveated it by saying forests, lakes and mines, even if held privately, would constitute community resources, benefits arising from which for the greater common good could not be stultified invoking individual rights.

"We cannot say Article 39(b) has no application to privately held properties like water, forests and mines. But it should not be taken to the level of taking someone's personal property for distribution," he added.

Senior advocate Uttara Babar argued that Article 39(b) talked only about "distribution" of community resources for greater com-

mon good and not how these are to be acquired, for which there are separate legislative and executive measures to be taken by the state.

The bench agreed that Article 39(b) was not a vehicle for acquisition of community resources but only furthered a goal envisaged by the Constitution framers and said, "This is an important point which the SC must deal with." Advocate T Srinivasa Murthy said Article 39(b) could not be viewed from the acquisition of resources point of view. If the govt wants to acquire a housing project to provide houses to the poor, it would have to first acquire the project after paying fair compensation to the existing owners, he said.

"It is not really necessa-

ry for the state to specifically call for the aid of Article 39(b) and make a declaration to that effect to get the protection under Article 31C as the power to acquire for a public purpose upon payment of a reasonable compensation is inbuilt in the existing law," he said.

"The theme of social and economic justice running through Articles 38 and 39 of DPSP is aimed at making all citizens active participants in the nation's economy while at the same time maintaining their dignity. These Articles are aspirational rather than seeking to make mere applicants and beneficiaries of citizens. It is equality of status, facilities and opportunities that is the focus, not equality of result," Murthy said.

P6



P7  
11

# Surrendering before god a ground for relief to death row convict?

## Lawyers Question Orissa HC Order To Commute Sentence

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**New Delhi:** Can offering of namaz many times a day by a 36-year-old condemned prisoner, convicted of raping and murdering a six-year-old girl, be one of the grounds for commutation of his death sentence to life imprisonment? This question was thrown by lawyers at a recent Orissa HC judgment which cited "he is offering prayer to god many times in a day and he is ready to accept the punishment as he has surrendered before god" as a ground to conclude that the case be not categorised as 'rarest of rare' one, which alone attracts capital punishment.

A division bench of Justices SK Sahoo and RK Pattanaik upheld the trial court's order convicting Shaikh Asif Ali for rape and murder of the child



There is no cogent evidence that the appellant is beyond reform and rehabilitation, the HC said

and 302/376 of IPC as also section 6 of PoCSO Act. However, it ordered that the convict, who was 26-years-old at the time of crime in 2014, will be kept in jail till his death. It asked the state govt to pay Rs 10 lakh to the victim's parents.

Apart from the daily offering of namaz and surrendering to god for punishment, the bench listed out several other grounds to justify commuta-

tion of the death sentence to life imprisonment. It said, "He is a family man and having an old mother aged about 63 years and two unmarried sisters and he was the sole bread earner of his family and working as a colour mistri in Mumbai and the financial condition of the family is not good."

"His character and conduct was good in school and he passed matriculation in the year 2010. He could not continue his higher studies due to financial problems in the family. He was a good cricket and football player during his teenage years. Even though he is in judicial custody for about ten years, reports submitted by jail superintendent and the psychiatrist indicate that his conduct and behaviour inside prison is normal, his behaviour towards co-prisoners as well as staff is

cordial and he is maintaining every discipline of the jail administration."

"Neither there is any adverse report against him during the entire period of confinement nor he has committed any prison offence. He is offering prayer to god many times in a day and he is ready to accept the punishment as he has surrendered before god," said Justice Sahoo, who authored the judgment.

"There is no cogent evidence that the appellant is beyond reform and rehabilitation. Considering the entire facts and circumstances, the aggravating circumstances and mitigating circumstances, it cannot be said that capital punishment is the only option for the appellant and that the option of imprisonment for life will not suffice and is wholly disproportionate," the HC said.

MAY 1, 2024

P14

## Drugs Disorder

*SC unswayed by U'khand govt's action on Patanjali ads. Why did regulator need court orders to act?*

**Y**esterday, Supreme Court was unsparing in its takedown of Uttarakhand's state licensing authority over its inaction in cracking down on Patanjali and its associate ayurved factory Divya Pharmacy's malpractices. "It was only after our order that you realised that there is a law - Drugs and Magic Remedies Act," SC said.

**Ban on ads** | Yoga trainer-'activist'-businessman Ramdev's project Patanjali has for years advertised its full range of ayurved drugs, across every medium available. Indian law in very clear terms bans advertising, direct or indirect, in any form, for a range of diseases and conditions, regardless of (1) efficacy of drug (2) promise of cure or therapy. The Drugs and Magic Remedies Act (Objectionable Ads) states that for 54 conditions/ diseases, advertising of any cure or therapy is banned.



**The case** | SC has been hearing Indian Medical Association's (IMA) writ petition against Patanjali's misleading ads, including its claim to have completely cured diabetes and asthma through medicine and yoga. Given Patanjali's dual business as a pharma company and FMCG, IMA's petition focused on

misleading ads of its drugs, under the Drugs and Magic Remedies Act, 1954. Given the case's gravity, and a defiant Patanjali, SC strongly criticised Patanjali for persisting in publishing deceptive claims and ads against modern medical systems, warning it in Nov 2023 of a fine of ₹1cr if Ramdev and his company persisted.

**The upshot** | Uttarakhand's licensing authority told SC that in mid-April it had suspended Patanjali's licences to manufacture 14 drugs, under Rule 159(1) of the Drugs and Cosmetics Act, 1945. SC remains unimpressed, as it should. State licensing bodies are drug inspectors of Indian medicine. The Uttarakhand body has failed the public it serves in not acting against Patanjali at the first appearance of an ad that's banned in law.



## 'Encroachment for 100 years doesn't give right to land'

TIMES NEWS NETWORK

**Kolkata:** Questioning whether an illegal possession of govt land even for 100 years can be justified, the Calcutta High Court on Friday threw some tough pointers for several unauthorized dwellers of Helen Keller Sarani who have challenged their eviction by the Kolkata Port Trust (KoPT) and police.

Chief justice TS Sivagnanam, while hearing the appeal against their eviction on the grounds that they were haw-

king in the place for 35 years, remarked, "For 35-40 years, people pay EMIs to end up owning a 300-400 square feet flat, and here you are claiming right by merely staying in that place." The chief justice said, "Encroach everywhere ... even encroach the Maidan, it's still empty."

The bench, which included Justice Hiranmoy Bhattacharjee, agreed to hear the appeal and sought reports from both the state and KoPT. Earlier, based on an order by a single-judge bench, razing had been carried out by cops and

KoPT. The latter had moved HC, saying it needed more space to make the port hospital a multi-speciality unit and to ease access. Sivagnanam said, "Hawkers have licences, did they have licences? A hawker cannot put up permanent structures. There should be self-regulation." Claiming adverse possession, the petitioner's counsel said, "We were occupying the land and doing business. I am occupying port trust land for 35 years." This prompted the chief justice to say, "Maybe Sir, for 100 years..."

P2

JUNE 1, 2024

P8

TIMES NATION

# SC: Promotion not a right, no criteria stated in Constitution

## 'Legislature, Executive Free To Decide Norms Depending On Post'

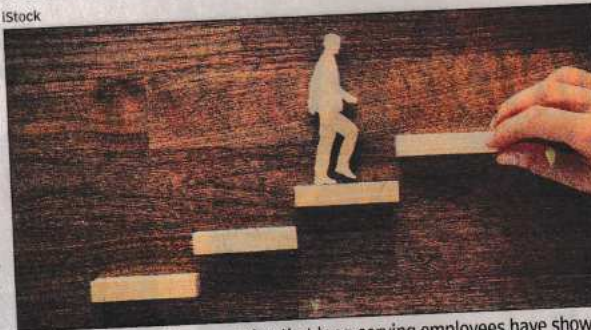
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**New Delhi:** Supreme Court has said that the Constitution is silent on criteria for granting promotion to govt servants and ruled that the legislature and executive are free to decide the norms for promotion keeping in view the nature, functions and requirements of a promotional post.

A bench of CJI D Y Chandrachud and Justices J B Pardiwala and Manoj Misra in a recent judgment said, "In India, no govt servant can claim promotion as their right because Constitution does not prescribe criteria for filling seats in promotional posts. The legislature or the executive may decide the method for filling vacancies to promotional posts based on the nature of employment and the functions that the candidate will be expected to discharge."

It said the judiciary cannot sit in review to decide whether a policy adopted for promotion is apt for selecting the 'best candidates', ex-

iStock



SC said that 'there is assumption that long-serving employees have shown loyalty to employing organisation & so are entitled to reciprocal treatment'

cept on the limited ground where such a policy appeared to violate the principle of equal opportunity, guaranteed under Article 16 of the Constitution. While deciding disputes over selection of district judges in Gujarat, the bench said the principle of seniority as a parameter of selection for promotion derived from the belief that competence is related to experience and that it limits scope of favouritism.

Writing the judgment, Justice Pardiwala said, "There is always an additional assumption that long-serving employees have

demonstrated loyalty to the employing organisation and so so are entitled to reciprocal treatment." He said over the years, SC has consistently ruled that where promotion is based on the principle of 'merit-cum-seniority' a greater emphasis is placed on merit. Similarly, in the principle of 'seniority-cum-merit', a greater emphasis is laid on seniority.

"The terms 'merit-cum-seniority' or 'seniority-cum-merit' are not statutorily defined by legislature. These principles are judicial connotations that have evolved over a period of

years through various decisions of this court & HCs whilst dealing with matters of promotion pertaining to different statutes and service conditions," bench said.

It was quick to clarify that the above two parameters are not mandatory since these are not backed by law enacted by legislature. These are products of judicial interpretation, which evolved while dealing with different types of promotion policies, SC said.

"The principle of 'merit-cum-seniority' and 'seniority-cum-merit' are a flexible and a fluid concept akin to broad principles within which the actual promotion policy may be formulated. They are not strict rules or requirements and by no means can supplant or take the place of statutory rules or policies that have been formulated, if any. These principles are dynamic in nature very much like a spectrum and their application and ambit depends upon the rules, the policy, the nature of the post and requirements of service," SC stated.



P1  
**Extra marks  
for EWS job  
seekers illegal,  
says HC**

Punjab and Haryana HC on Friday struck down Haryana govt's policy of assigning additional marks based on socio-economic criteria while evaluating job aspirants, terming the system a violation of constitutional safeguards against discrimination, reports Ajay Sura.

The division bench of justices Sanjeev Prakash Sharma and Sudeepti Sharma was hearing a batch of petitions challenging the criteria entitling a candidate without any family member in govt service to five extra marks and those who lost their father to 20 extra marks. Starting from candidates domiciled in Haryana, it was later extended to all. The order was pronounced in open court but hadn't been uploaded to the HC portal till late Friday.

## 'Mockery': SC slams HC shield for MLA who broke VVPAT

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**Vijayawada:** SC on Monday called Andhra Pradesh HC order granting interim protection from arrest to Macharla MLA Pinnelli Ramakrishna Reddy, accused of damaging a VVPAT at a polling station, a joke and "sheer mockery of the justice system". SC also directed the MLA to stay away from the counting centre in his constituency on Tuesday.

Photographs and a video of Ramakrishna Reddy entering a polling station with his followers on May 13 and destroying the VVPAT machine by slamming it on the ground had surfaced. After going through the photographs and video, the vacation bench of Justice Aravind Kumar and Justice Sandeep Mehta asked HC to decide the case afresh without being influenced by its earlier order. HC is scheduled to hear the case again on Thursday.

The polling agent Narasimha Reddy, who was present at the polling station when Ramakrishna Reddy

destroyed the VVPAT, had moved SC. He contended that the incidents that happened on polling day may be repeated on counting day as HC had granted Reddy interim protection.

Rao contended that he was facing threat to his life from the MLA. Arguing on behalf of Rao, senior counsel B Adinarayana Rao and Javva ji Sharath Chandra submitted photographs and a video of Ramakrishna Reddy entering the polling station with his followers on May 13 and destroying the VVPAT machine by slamming it on the ground. The counsel said that this belittled the system as the accused was a sitting MLA. Despite having clear evidence, a complaint was lodged on unknown persons, he said and pointed out that till HC granted interim protection, the MLA had been on the run.

Arguing on behalf of Ramakrishna Reddy, senior counsel Vikas Singh expressed doubts over the authenticity of the video as it was not properly authenticated.

P5



## SC to states: Meet on June 5 to resolve Del water crisis

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**New Delhi:** Resolution of the water crisis in the parched national capital will begin a day after the country elects a new govt as the Supreme Court on Monday ordered Upper Yamuna River Board (UYRB) comprising all stakeholder states to meet on June 5 to address Delhi govt's distress demand for additional water supply.

While the BJP govt of Haryana maintained "there is no shortage of agreed supply of water from it to National Capital Territory of Delhi", the Congress govt of Himachal Pradesh volunteered to supply excess water available with it to Delhi through carrier canals in Haryana. Delhi's governing party AAP and Congress are part of the INDI Alliance for Lok Sabha polls. Appearing for NCT Delhi, senior advocate A M Singhvi sa-

**Solicitor general Tushar Mehta said if the Delhi govt tightened its belt and plugged a whopping 52% loss in distribution of supplied water, there would be no crisis**

id HP's offer to provide surplus water is not only gracious but reflective of cooperative federalism.

Solicitor general Tushar Mehta said if the Delhi govt tightened its belt and plugged a whopping 52% loss in distribution of supplied water, there would be no crisis. A vacation bench of Justices Prashant K Mishra and K V Viswanathan asked solicitor general Tushar Mehta, who appeared for Union and Haryana govt, for convening of an

urgent meeting of UYRB comprising member of Central Water Commission as chairman, and one nominee each of UP, Uttarakhand, Haryana, Rajasthan and Himachal. It directed convening of the meeting on June 5 and sought a status report of the steps taken to resolve the water crisis by June 6, the next date of hearing on the petition filed by Delhi govt.

Mehta said the issue is already under consideration of UYRB and Himachal Pradesh has been asked to find out the surplus water available with it.

The Arvind Kejriwal govt had moved SC seeking a direction to Haryana for "immediate and continuous release of water at Wazirabad barrage, including but not limited to the full surplus water provided by Himachal Pradesh for NCT Delhi" for mitigation of water crisis in the national capital.

P6

THE TIMES OF INDIA  
JUNE 10, 2024

P6

## Need to prove adultery pics of spouse are real: HC

**New Delhi:** In the era of deepfakes, photographs placed by a spouse alleging adultery by the other partner would have to be proved by way of evidence, Delhi High Court has said. The court's observation came while dealing with a man's contention that his estranged wife was living in adultery.

The HC dismissed the appeal of the husband challenging a family court's order directing him to pay Rs 75,000 maintenance to his wife and minor daughter.



As the counsel for the husband drew the court's attention to certain photographs of his wife, a bench of justices Rajiv Shaktiher and Amit Bansal said: "It is not clear as to

whether the respondent/ wife is the person in the photographs, as alluded to by the counsel for the appellant/ husband."

"We may take judicial notice of the fact that we are living in the era of deepfakes and, therefore, this is an aspect that the appellant/ husband, perhaps, would have to prove by way of evidence before the family court," the HC said.

Deepfake technology allows for the creation of realistic videos, audio recordings and images that can manipulate and mislead viewers by superimposing the likeness of one person onto another, alte-

**'We may take judicial notice of the fact that we are living in the era of deepfakes and, therefore, this is an aspect that the appellant/ husband, perhaps, would have to prove by way of evidence before the family court', the HC said**

ring their words and actions, thereby presenting a false narrative or spreading misinformation.

Asked by the bench whether this averment of adultery found mention in the husband's reply to the wife's plea under the Hindu Marriage Act, the man's counsel conceded that there was no mention of this aspect in the reply.

The bench noted that since the petition instituted by the husband for divorce is pending adjudication, if this issue is pressed, the court may give opportunity to the parties to place their evidence on record in support of their respective cases.

"Notably, this aspect, which is vehemently pressed before us, almost as a measure of desperation to wriggle out of the obligation cast in the impugned judgment, finds no mention in the impugned judgment (of family court)," the high court said. PTI



P7

## Bombay HC allows '06 train blast convict to appear for LLB exam

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**Mumbai:** In a rare arrangement permitted on Monday by Bombay High Court, a Mumbai July 11, 2006, train blast convict — Mohammed Sajid Ansari — who is serving a life sentence in the high-security Nashik central prison, can appear for the 2nd Semester LLB exam on June 12, 2024. A special invigilator appointed by Mumbai University will be present at the prison premises. Noting the extraordinary nature of the procedure being adopted to enable the convict, incarcerated for 17 years, to take his Family Law-I exam on Wednesday, a



division bench of Justices Bharati Dangre and Manjusha Deshpande placed the mat-

ter for further directions on July 1. This is to consider the Prison authority's suggestion to involve the Bar Council of India (BCI) in working out a long lasting mechanism so that prisoners keen to study don't have to knock on the court's doors each time and may be permitted to appear in the prison premises itself.

Ansari's senior counsel, Mihir Desai, sought parity with a co-accused lodged in Nagpur central prison who

had been allowed to appear for the third-year law exam.

On May 10, the counsel for the University of Mumbai, to consider whether Ansari could appear for the exam online after senior counsel for the Anti-Terrorism Squad opposed his physical visit to a college citing concerns, as he said he was a high-risk blast case convict.

Rodrigues informed HC that a committee appointed by the MU deputed an invigilator to the prison. The question paper would be emailed to the jail superintendent 15 minutes before the exam, and the exam will begin under the supervision of the invigilator with additional security.

P12

## HC: Art 21 lets adults go anywhere, with anyone

**Prayagraj:** Quashing an FIR for kidnapping, Allahabad High Court said that no one could restrain an adult from going anywhere they like, staying with a person of their choice, or solemnising marriage according to their will or wish, as this was a right which flows from Article 21 of the Constitution, which provides protection of life and personal liberty, reports **Rajesh Kumar Pandey**.

Making this observation last week, a division bench comprising justices JJ Munir and Arun Kumar Singh Deshwal criticised a judicial magistrate for sending an adult woman from Siddharth-

nagar, the first petitioner in the case, to her uncle's home.

The uncle, who is third respondent, had lodged an FIR against her husband, who is second petitioner in this case. The woman had said she feared for her life if sent to her uncle's or parent's home.

The court added that the judicial magistrate was duty bound to get an FIR registered against the uncle. Emphasising that 'honour killing' in such matters is "not an unknown phenomenon", the court added that Siddharthnagar SP and SHO were equally answerable for not taking action against the woman's uncle.



P10

# 'State policy encourages encroachments': HC junks Maha govt bid to take over church land

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**Mumbai:** Upholding the right of a landowner to redevelopment, Bombay HC has struck down the state Slum Rehabilitation Authority's proposed acquisition of a portion of land belonging to Mount Mary Church, Bandra (W) to rehabilitate slum dwellers. While doing so, it **rapped the state govt for recognising the right of slum-dwellers to rehabilitation over the right to property, and said the state policy encourages encroachments.**

"The Slum Rehabilitation Authority is directed to recognise the preferential rights of the petitioner to undertake redevelopment of its land," said Justices Girish Kulkarni and Jitendra Jain in Wednesday's verdict on a petition by Bishop John Rodrigues, sole trustee and rector, Basilica of Our Lady of the Mount.

The judge held as "illegal and invalid" SRA CEO Satish Lokhande's March 2022 order rejecting the trustee's objection to the proposed land acquisition. They said it was not open to the CEO to refuse to grant the petitioner "an opportunity to undertake redevelopment" in the "legal capacity as

## ILLEGAL & INVALID

- In Dec 2020, SRA proposes acquisition of 1,596 sq m land that has 35 structures, 7 bldgs
- Church rector files appeal. While it's pending, SRA CEO issues public notice inviting objections to acquisition
- Rector moves HC, says their composite devpt scheme ignored
- HC says proposed acquisition 'unwarranted' and the 'hurriedly taken' SRA decision is 'illegal'

owner of the land." They said SRA's approach of "foisting compulsory land acquisition" amounted to a complete negation of the right (to property) under Article 300A and held the state policy as one that "encouraged" encroachments. Of the church-owned 10,729 sq m, SRA proposed acquisition of 1,596 sq m on which stand 35 structures (which now comprise the Shri Kadeshwari CHS (proposed) and 7 buildings. In Dec 2020, SRA declared it a slum rehabilitation area. While the trustee's appeal was pending before the Apex Grievance Redressal Committee, the CEO issued a public notice inviting objections to the acquisition of land.

The trustee moved HC in

Feb 2022 saying the CEO was in a hurry to acquire the land under the Slum Act and its composite development scheme for the entire land was being ignored. In March 2022, the CEO rejected the trustee's objection.

The judges said the record is replete with material to show the trustee had expressed willingness to redevelop the land and rehabilitate the slum-dwellers as part of composite development. Senior advocate Milind Sathe argued that the trustee as landowner has preferential right, settled by law, to redevelop the land. The judges said the case is a "glaring example" of how a 120-day restriction could not be applied as the land was declared a slum amid the pandemic.

They said considering Supreme Court's orders extending limitation during the pandemic "it is quite astonishing" how the SRA CEO issued a notice and further reckoned on a 120-day limitation. "In our opinion, the acquisition...is totally unwarranted. The decision of the SRA was hurriedly taken, hence, is patently illegal," they added.

The judges said the trustee's proposal for composite

redevelopment was not barred by law. "To our mind, it is also unconscionable that an owner of the land repeatedly knocking the doors of the SRA, that it intends to undertake redevelopment is shown the exit door, by issuing a notice under... the Slum Act," they added.

The judges directed that after the trustee submits a redevelopment proposal within 8 weeks, SRA shall consider it within 6 weeks "so development of slums on the petitioner's land can be carried out as expeditiously as possible."

The judges said, "once a private land is declared a slum, strangely the encroachment on it gets converted into a legitimate right of a free tenement to the encroacher under govt's slum policy."

"State policy...has encouraged encroachments...and in fact has resulted in large govt lands being siphoned out from the 'State pool' and equally private lands being completely lost to its owners," they added. The judges said rights of rehabilitation of slum dwellers under State policy cannot have recognition over and above right to property under Article 300A of the Constitution.

JUNE 18, 2024

P7

## Treat transgenders as spl category, ease hiring norms: HC

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**Chennai:** Transgender people should be treated as a special category, irrespective of caste, and extended requisite benefits in education and employment, Madras high court ruled Thursday while asking the Tamil Nadu govt to direct all recruiting agencies to make and notify this change.

"The age relaxation extended to other special categories shall also be extended to them. Transgenders, at no point of time in future, shall be clubbed with male or female," Justice V Bhavani Subbarayan said.

The judge cited Supreme Court's judgment in the 2014 case filed by the National Legal Services Authority (NALSA) to legally recognise people who fall outside the male/female gender binary, including those who identify as the "third gender".

Justice Subbarayan noted that despite the apex court recognising transgenders as a sepa-

rate category, neither the state nor the Centre had formulated guidelines to ensure they get uniform employment opportunities. In many cases, guidelines issued in the NALSA case have been "misconstrued", the judge pointed out.

SC directed the Centre and states to take steps to treat transgender people as a socially and educationally backward class and extend the benefits of reservation in admission to educational institutions and employment.

But in various states, transgender people are clubbed with the backward community or the caste to which they belong, Justice Subbarayan said. The HC passed the order on a plea by R Anushri, a transgender person, challenging a 2017-18 Group II recruitment exercise by the Tamil Nadu Public Service Commission.

The petitioner alleged that she wasn't considered for recruitment in the special category.





THE TIMES OF INDIA  
JUNE 17, 2024

P1

## Voice of dissent against a public rep can't be silenced: HC

Ajay.Sura@timesgroup.com

**Chandigarh:** The Punjab and Haryana High Court has observed that voice of dissent against or criticism of acts of a public representative cannot be silenced by the institution of criminal proceedings merely because it is "not palatable to the person holding the position of dominance".

Justice Vinod S Bhardwaj made the observation while quashing an FIR against govt teacher Ajay Walia for criticising the then MP from Kurukshetra and current Haryana CM Nayab Saini and his wife Suman Saini for misquoting Sant Kabir Dass in an advertisement issued during the Covid-19 pandemic.

Justice Bhardwaj also observed that a member of Parliament or legislative assembly is deemed a public

servant and his acts are amenable to public criticism and public review.

Virtually reprimanding Haryana police for being "unfair", the HC observed that in this case, the police "had not carried out a fair job" and instead were worried about earning the displeasure of a person in the seat of power in the event of a proper investigation being done.

### ► 'Fair criticism', P 7

Petitioner Ajay Walia was booked by Haryana police on May 9, 2020, on the complaint of Kehar Singh, president of Saini Sabha, Naraingarh, for posting a critical post on social media about an advertisement issued on behalf of Nayab Saini and his wife. Walia is a govt teacher from Naraingarh in Haryana's Ambala district.

P7

## 'Fair criticism is privileged, won't cause defamation'

► Continued from P 1

Ajay Walia had mentioned in his social media post that he had read Sant Kabir in Kabir Wani, Sakhi, Sabad, Raimani and Bi-

jak, but "do not know when, where and in which book, Sant Kabir has written this rhymed doha of throwing out Corona from India."

Seeking quashing of the FIR, Walia had contended be-

fore the HC that a mere expression of dissent or disagreement cannot be construed as an offence of promoting hatred amongst different segments of society.

"Bona fide, fair and const-

ruative criticism of members of the public, in a democratic country, made with due care and attention... is privileged and would not amount to defamation..." said Justice Vinod S Bhardwaj.

THE TIMES OF INDIA  
JUNE 18, 2024

P7

## Kids adopted post-retirement can't be denied pension: HC

Ajay.Sura@timesgroup.com

**Chandigarh:** Punjab and Haryana High Court has made it clear that there cannot be any discrimination in granting family pension to legally adopted children merely on account of the date of their adoption.

The court was of the view that children adopted post-retirement cannot be deprived of pensionary benefits.

Justice Tribhuvan Dahiya passed the order while allowing a petition filed by Vikas Kumar, resident of Haryana's Jhajjar district.

He had sought quashing of a Haryana govt order dat-

### DATE ISSUE

ed Feb 14, 2019, that rejected his claim for family pension. He had also sought directions to release family pension, effective from Sept 24, 2012, with interest, till attaining 25 years of age.

The petitioner's father had retired from military service on July 4, 1970, and was released on military pension.

Thereafter, he joined Haryana govt on the post of 'barkandaz' (guard) on Sept 27, 1971, and was promoted to the rank of 'daffedar.' After his superannuation on July 31, 1987, he adopted the petitioner as son on March 1, 2000, but passed away on Jan 26, 2011.



THE TIMES OF INDIA  
JUNE 18, 2024

P1

### Calcutta HC to govt: Ensure 1% transgender job quota in Bengal

TNN & AGENCIES

**Kolkata:** Calcutta High Court has directed Bengal govt to ensure 1% reservation for transgender persons in all public employment, noting that no reservation was in place for the community in spite of a govt policy of equal treatment in employment.

"This court directs the chief secretary of the government of West Bengal to ensure 1% reservation for the category of persons mentioned in the NALSA judgement, in all public employment in the state," Justice Rajasekhar Mantha said in his order last Friday.

Supreme Court's NALSA judgement in 2014 was the first to legally recognise non-binary gender identities and uphold fundamental rights of transgender persons.

The HC's order was passed after the court heard a petition by a transgender person, who had not been called for counselling or interview in spite of succeeding in Teachers' Eligibility Test (TET) 2014 and TET 2022.

THE TIMES OF INDIA  
JUNE 18, 2024

## HC to WBBPE secy: Arrange for interview of petitioner

► Continued from P 1

Justice Mantha noted that SC had declared in a 2014 case that 'hijras' and eunuchs be treated as "third gender" for the purpose of safeguarding their rights under Part III of the Constitution.

The apex court had also upheld a transgender person's right to decide their self-identified gender and directed Centre and state govts to grant legal recognition of their gender identity — male, female or third gender.

Justice Mantha noted that the Supreme Court



had directed Centre and state govts to take steps to treat transgender persons as socially and educationally backward classes of citizens, and to "extend all kinds of reservation in cases of admission in educational institutions and for public appointments."

The state's department of women and child development and social welfare, on November 30, 2022, had issued a notification that transgender persons were entitled to equal op-

portunity of employment without any discrimination, the state chief secretary had informed the High Court.

The court said it was clear from the notification that the state itself had adopted a policy of equal treatment in employment to transgender persons — but no reservation had yet been done, in accordance with the Supreme Court order. Justice Mantha also directed the secretary of the West Bengal Board of Primary Education to arrange for interview and counselling of the petitioner as a special case.

P6



THE TIMES OF INDIA  
JUNE 18, 2024

P1

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THE TIMES OF INDIA

JUNE 22, 2024

## HC nixes Bihar quota hike beyond 50% ceiling

Dev Kumar Pandey | TNN

**Patna:** A division bench of Patna HC struck down Thursday a pair of laws brought by Bihar govt last year to raise job and education quotas for Dalits, backward classes and tribals from 50% to 65%, terming these “ultra vires” — or beyond the powers of the state — and a violation of the right to equality guaranteed by Articles 14, 15 and 16 of the Constitution. Both the Bihar Reserva-

tion (for SCs, STs, and OBCs) (Amendment) Act, 2023, and Bihar (in admission in educational institutions) Reservation (Amendment) Act, 2023, passed by the assembly and notified last Nov were purportedly based on the findings of the govt’s caste survey, which itself went through multiple legal hurdles before being completed. HC said the raise in quota beyond 50% was “bad in law”.

► HC slams Bihar, P 9



THE TIMES OF INDIA

JUNE 23, 2024

P 9

## HC slams Bihar for hiking quota sans study

► Continued from P 1

The bench of Chief Justice K Vinod Chandran and Justice Harish Kumar said increase in reservations beyond 50% was "bad in law based on principles of equality emanating from the Constitution, as laid down by the wealth of precedents discussed in this judgment".

"That the state attempted no in-depth study or analysis before providing for enhancement of the reservation percentage is established from the records. That the state proceeded on mere proportion of population of different categories, as against their numerical representation in govt services and educational institutions, is the admitted position and pivotal argument. That this argument works against the core principles of Articles 15(4) and 16(4) is a given fact," the bench said.

The new laws individually raised the reservation percentage for SCs from 16% to 20%, STs from 1% to 2%, BCs from 15% to 18%, and EBCs from 20% to 25%. This was to be applicable to govt jobs and admission to state-run educational institutions in Bihar.

The increase in reservation limits cumulatively exceeded the ceiling of 50%, set three decades ago by a nine-judge constitutional bench of SC.

CMVK

THE TIMES OF INDIA

JUNE 21, 2024

P5

## Produce 195 bovines before HC, seeks habeas corpus plea

**Vijayawada:** In a first in Andhra Pradesh, a habeas corpus petition was filed before the AP High Court seeking directions to produce 195 bovines, including oxen and calves, before the court, reports **Srikanth Aluri**. The petitioners contended that police illegally held the animals captive. A habeas corpus petition is filed before a high court or Supreme Court to produce a person before the court in cases of illegal detention or missing persons.

In this case, animal lovers Surabattula Gopala Rao and Thota Suresh Babu, both residents of Vijayawada, moved HC contending that police had unlawfully 'detained' the

animals. The petitioners alleged that they found a huge number of bovines on the outskirts of Vijayawada on June 16 and on further inquiry learnt that the animals were being transported for slaughtering on June 17.

The animals were not fit for slaughtering as many of them were found to be below 10 years of age while some others were suffering from lumpy skin disease. The petitioners approached the local veterinary officer for certification which is mandatory for slaughtering. The petition alleged that the police, without following due procedure, shifted the animals to an undisclosed location.



TIMES OF INDIA

JUNE 23, 2024

P3

# Transwoman who moved high court welcomes quota order

Priyanka Dasgupta  
@timesgroup.com

**Kolkata:** Mrinal Barik, the transwoman who once resorted to begging at crossroads to eke out a living and now sustains herself by imparting tuition in Kashipur, is elated that her petition at the Calcutta High Court has borne fruit. This is anticipated to have a profound impact on her existence, as well as on others within the community. The HC directed the Bengal govt to guarantee a 1% quota for transgenders in all public employment. Other members of the trans community are equally optimistic about a favourable impact.

Barik succeeded in the TET 2014 and also in the TET 2022. In his order, Justice Rajasekhar Mantha had directed "the Secretary, West Bengal Board of Primary Education to arrange for interview and counselling of the petitioner as a special case and recruit her as an Assistant Teacher in the primary section. Let a decision be taken by the Secretary, WBBPE immediately upon receipt of a copy of this order. The petitioner's appointment shall be made against present future vacancies. Let appropriate relaxation be made in the instant case for the petitioner by the Principal Secretary, School Education Department to ensure her appointment".

Born in Midnapore, Barik, after completing higher secondary education, aspired to become a teacher. "But that ambition was unfulfilled.



A file photograph of a pride march in Kolkata

**Calcutta HC to govt: Ensure 1% transgender job quota in Bengal**

TNN & AGENCIES

**Kolkata:** Calcutta High Court has directed Bengal govt

**TOI | JUNE 17, 2024**

Transgenders face ostracism in society. Before the lockdown, I was compelled to beg at intersections," Barik said.

"I started tutoring but encountered parents who feared their kids would be corrupted if they were sent to me," Barik said. She thought of undergoing sex-reassignment surgery. "But it requires money. For someone with a hand-to-mouth existence, it is a luxury to think of

this," she said.

Barik's lawyer Sabyasachi Chatterjee described the order as "progressive". "It creates a scope for recognition. I am hopeful that Mrinal will get a job. Most transgenders face hostility at home and often can't continue with their studies. This kind of an order will give them hope," Chatterjee told TOI.

Riya Sarkar, Bengal's first transgender presiding officer who teaches at Khardah Bandipur Ideal Academy for Girls (HS), said, "The order will go a long way in ensuring we can live with dignity."

Manabi Bandyopadhyay, principal of Dhola Mahavidyalaya and vice-chairperson of West Bengal Transgender Persons Development Board, told TOI, "I welcome the order but I will also say that our state govt has always tried to be fair and do everything in the interest of transgenders."



6

TIMES Special

Himanshi Dhawan@timesgroup.com

**I**t has been a hard summer for lawyers, and it's not just the weather to blame. Instead of heading off to colonial-era hill stations for a month-long holiday, they have been forced to spend hours unlearning colonial-era laws.

From July 1, three new criminal laws — Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam — will replace the Indian Penal Code, Code of Criminal Procedure and the Indian Evidence Act respectively. So not only is it a fond goodbye to sections like 'char so bees' (for cheating) but a painful one at that. Those feeling nostalgic can

**SANJAY HEGDE,  
SENIOR ADVOCATE**

**If police are unaware or unsure of what provisions to apply, defence lawyers will get a huge advantage in demolishing the case**

perhaps turn to old courtroom scenes in Hindi movies where milord handed out 'daffas' under IPC. Criminal lawyers, however, have been busy downloading cheat sheets, signing up for online familiarisation courses and munging the new laws. Booklets for the new acts are flying off the shelves.

Delhi Bar Association president Nitin Ahlawat says it is back to school for lawyers and predicts a difficult few months ahead. "So many things have changed. If there is a case of forgery, it would have taken only a quick glance for an experienced lawyer to assess the case. The provisions, punishment and past judgments are top of their mind. Now, not only have

# Milord, lawyers are going back to cram school

*As July 1 deadline looms for three new criminal laws, even experienced advocates and profs are reliving their law school swotting days*

the provision numbers and language of the law changed, punishment could have been altered too," he says.

As litigators are wont to do, they have already litigated. A petition by Vishal Tiwari, a lawyer who approached the Supreme Court asking for an expert committee to examine and assess the validity of the three laws before they are enforced, was dismissed. In January, Madras high court judge N Anand Venkatesh declared that as he did not know Hindi, he would continue to call them by their original English names.

Lawyers can't take such liberties. The life mantra for a practising advocate, as one X handle says: 'draft, file, plead, repeat' has an added step of 'cram'. As for law students, they now have two sets of codes to learn, and teachers are mourning the loss of the familiar. "The syllabus has been revamped and we have to incorporate changes in our classes. It has meant a complete systemic overhaul," a law professor says.

Lawyers have already issued warning videos on the enhanced punishment of 10 years if a man is in a live-in relationship and has reneged on his promise to marry, also on hit-and-run cases where



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again the law has become stricter.

But jokes apart, lawyers, judicial officers, police and courts are worried about impending chaos. Opposition leaders like Tamil Nadu CM MK Stalin and West Bengal CM Mamata Banerjee have written to the Centre, asking for the laws to be deferred, as has Congress.

Senior advocate and Lawyers' Collective founder Indira Jaising warned that the move may lead to rise in pendency and two systems of laws running concurrently. The new laws are only applicable for crimes committed from July 1, 12:01 am and the older cases will continue to be argued and adjudicated under IPC and CrPC for another 20 years as that is the av-

erage lifespan of a case. "In effect, we will be having two parallel criminal justice systems for the foreseeable future, which can range from 20-30 years," she wrote in a letter to the Centre.

Supreme Court lawyer Sanjay Hegde, who often handles civil rights cases, says the success of any criminal case is how it is handled at the police station where the correct criminal provisions are decided. "If people at the thana level are unaware or unsure of which provisions to add, defence lawyers will have a huge advantage in demolishing the case," he says.

While BNSS encourages transition to a digital court infrastructure, some warn that it's not going to be smooth. Lawyer Jhuma Sen feels there is an over reliance on technology. "Every step of criminal justice administration — from registering FIR to recording of evidence to delivering judgments — has been digitised. While digitisation is a noble idea, what happens to a significant chunk of the litigating public who are outside the digital world, what happens to data that is collected through this method (like e-FIRs) and legitimate concerns for privacy?"

The more practical question, she says, is whether there has been any official audit of the digital infrastructure of trial courts. "Most courts do not even have air conditioning and in peak summer, we have already seen court work being disrupted by power cuts or extreme heat. Official data will also show that trial courts are understaffed and overworked. Who will implement and assist in the smooth functioning of the digital ecosystem given the overworked court machinery?"

Prof KVK Santhya, who has been teaching criminal law at Hyderabad's Nalsar University for 24 years, says there are grey areas in the new laws that need to be addressed. For instance, in the new BNSS, an FIR can be filed by email or through audio-video means but requires the complainant to visit the police station in three days to sign the FIR. "What if the person is unable to do so? The police department will have to introduce protocols," she says.

Santhya also adds that there have been deletions like section 377 with no corresponding provision to address the crime of sexual assault against an adult male.

But there have been attempts to catch up. National Law University assistant professor and co-director for the Centre for Criminal Justice Administration and Human Rights Neeraj Tiwari has conducted training workshops in a dozen states. "Infrastructure, human resources, training and skill development are some key areas in which focus is needed. The government is creating forensic infrastructure to meet one of the key requirements in the BNSS, i.e. visit of forensic experts to the crime scene. Central and various state govt are also working towards procuring devices for the mandatory videography of the crime scene and forensic experts are being recruited," he says.



## Dalit man's death in cop custody triggers violence

**Agra:** The custodial death of a Dalit prisoner allegedly due to police brutality has triggered widespread violence in Firozabad, with police forces from neighbouring districts deployed to maintain order, police said on Saturday, reports **Deepak Lavania**.

The postmortem report of Aakash Kumar, a 28-year-old father of two minor boys, cited "haemorrhagic shock and coma due to antemortem head injury" as the cause of death, and Inspector General (Agra Range) Deepak Kumar corroborated that Aakash's body had multiple injuries.

A resident of the Nagla Pachiyia area in Firozabad, Kumar's body was kept in an ambulance for 12 hours as his family refused to accept it unless action was taken against

the "perpetrators in uniform." They cremated the body only on Saturday after the administration promised help and probe.

As the body was being transported home after the postmortem, locals stopped the ambulance and staged a protest. According to sources, at least six rounds of gunfire were exchanged, and police officers, including DSP Himanshu Gaurav and city magistrate Rajendra Kumar, had to flee for safety. Five police personnel were injured, and 10 vehicles were vandalised. Anticipating further unrest, additional forces were called in with police conducting overnight raids and filing two FIRs against 60 individuals for rioting.

THE TIMES OF INDIA  
JUNE 20, 2024

p9

## Produce 195 bovines before HC, seeks habeas corpus plea

**Vijayawada:** In a first in Andhra Pradesh, a habeas corpus petition was filed before the AP High Court seeking directions to produce 195 bovines, including oxen and calves, before the court, reports **Srikanth Aluri**. The petitioners contended that police illegally held the animals captive and their whereabouts were not known.

A habeas corpus petition is filed before a high court or Supreme Court to produce a person before the court in cases of illegal detention or missing persons.

In this case, animal lovers Surabattula Gopala Rao and Thota Suresh Babu, both res-

idents of Vijayawada, moved HC contending that police had unlawfully 'detained' the animals. The petitioners alleged that they found a huge number of bovines on the outskirts of Vijayawada on June 16 and on further inquiry learnt that the animals were being transported for slaughtering on June 17.

The animals were not fit for slaughtering as many of them were found to be below 10 years of age while some others were suffering from lumpy skin disease. The petition alleged that the police, without following due procedure, shifted the animals to an undisclosed location.



JULY 1, 2024

# 3 new criminal laws come into effect today

**New Delhi:** Three new criminal laws replacing the British-era laws will come into effect across the country from Monday, bringing widespread changes in India's criminal justice system.

Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita and Bharatiya Sakshya Adhiniyam will replace the British-era Indian Penal Code (IPC), Code of Criminal Procedure (CrPC) and Indian Evidence Act respectively. The new laws will bring in a modern justice system, incorporating provisions such as Zero FIR, online registration of police complaints, summonses through electronic modes such as SMS, and mandatory videography of crime scenes for all heinous crimes.

The new laws have sought to address some of the current social realities and

## DAWN OF A NEW ERA

> **Offences against women and children, murder, and offences against the State** have been given precedence in the new laws

> **A person can file an FIR at any police station,** regardless of jurisdiction

> **Victims of crime against women are entitled to regular updates** on the progress of their case **within 90 days**

> **Both the accused and the victim are entitled to receive copies of the FIR, police report, charge-sheet, statements, confessions, and other documents within 14 days**

crimes and provide a mechanism to effectively deal with them, keeping in view the ideals enshrined in the Constitution, official sources said.

Home minister Amit Shah, who piloted the laws, said the new laws would give priority to providing justice, unlike the British-era laws that gave primacy to penal action. "These laws are made by Indians, for Indians and by an Indian Parliament and marks the end of colonial criminal justice laws," he said.

Shah said the laws were not just about changing the nomenclature but bringing about a complete overhaul. "Soul, body and spirit" of the new laws is Indian, he said. Justice is an umbrella term that encompasses both the victim and the culprit, the home minister said, adding that these new laws would ensure political, economic and social justice with an Indian ethos. PTI

► **Organised crimes, P 6**

# Organised crimes, terrorism defined in new laws

► Continued from P 1

According to the new laws, judgment in criminal cases has to come within 45 days of completion of trial, and charges must be framed within 60 days of first hearing.

Statement of rape victims will be recorded by a female police officer in presence of her guardian or relative, and medical reports have to come within seven days.

Organised crimes and acts of terrorism have been defined; sedition has been replaced with treason; and video recording of all search and seizure have been made mandatory.

A new chapter on crimes against women and children have been added; buying and selling of any child has been made a heinous crime; and there is a provision for death sentence or life imprisonment for gang rape of a minor. Offences against women and children, murder and offences against

## 'FOCUS ON FAIRNESS'

the State have been given precedence in the new law.

Overlapping sections have been merged and simplified and will consist only 358 sections against 511 in IPC, the sources said. For example, defini-

tions scattered from sections 6 to 52 have been brought under one section. Eighteen sections already stand repealed, and four relating to weights and measures are covered under the Legal Metrology Act, 2009.

Instances of false promise of marriage, gang rape of minors, mob lynching, chain snatching, etc., are reported, but the current IPC did not have specific provisions for dealing with such incidents. These have been addressed in Bharatiya Nyaya Sanhita, the sources said.

A new provision has been made for cases such as abandonment of women after making sexual relations on the fal-

se promise of marriage. The three laws were based on justice, transparency and fairness, the sources said.

Under the new laws, a person can now report incidents by electronic communication, without the need to physically visit a police station. This allows for easier and quicker reporting, facilitating prompt action by the police.

With the introduction of Zero FIR, a person can file a First Information Report (FIR) at any police station, regardless of jurisdiction. This eliminates delays in initiating legal proceedings and ensures immediate reporting of the offence. PTI



## Lawful, Liberal

*New criminal codes will be tested on their ability to protect the principle of presumption of innocence*

The three new criminal codes that kicked in yesterday – BNS, BNSS, and BSB – will eventually replace the trio of IPC, CrPC and Indian Evidence Act, respectively, which have governed the criminal justice system. That'll happen only once all cases filed under the old codes are closed. Given India's caseload, this, in effect, means two sets of codes will be in application simultaneously across jurisdictions – a tremendous challenge for those who man the criminal justice system. That the codes needed an overhaul is indisputable. But challenges remain aplenty.

**Undertrial burden** | The approach to the codes' overhaul was discarding colonial baggage and to be reformative. Here, proportional penalty is key. This means penalties are designed such that minor offences don't invite jail time. Old faults compounded by new offences that have crept in are unlikely to lessen the undertrial burden. It's imperative that during training of the law enforcement machinery, it's drummed in that no matter the crime and prescribed sentence, there must be unwavering focus on presumption of innocence – the hallmark of a liberal reformative justice system.



**Heavy hand** | Minimum age for criminal responsibility continues to be 7 years, lower than international convention. Snatching is a criminal offence. It's still prison for those not looking after old

parents. Sex on the pretext of marriage can be punished with up to 10 years' jail. A judge can award such convict 1-day jail, or 10 years. Such latitude can be problematic in interpretation – not all judges are judicious.

**Old laws block** | Archaic legal ideas continue to be in play. Defamation remains on the statute, as do provisions for 'sedition' if not in so many words. A rigorous weeding out of archaic laws is required, not least when it comes to marital rape. Onus is on legislatures to decriminalise petty behaviour and junk harsh provisions to meet the agenda of reformative justice.

**Capacity flags** | Due process is deeply linked with capacity. Poor forensics botches up many an investigation. And courts must not allow police free hand when it comes to seizing 'evidence'. Due process ensures, for instance, forensics of digital devices don't impinge on privacy rights. It demands probes compartmentalise a phone's contents – what investigators can and cannot explore. And that this rule is spelt out.

Various police forces advertise they 'care' for civilians, but collective experience is often otherwise. At the core, liberal justice, the long-stated purpose for an overhaul of IPC, CrPC and IEA, firmly stands for individual rights. The dharma of India's criminal justice delivery must be premised on protection of personal freedoms and civil liberties.

P8

## Pol interference in service issue undesirable: HC

**Bengaluru:** Political interference in service matters is undesirable as much as irrelevant factors that impact public administration and the interest of the employer, the Karnataka high court observed recently.

A division bench, while allowing a writ appeal filed by the KFCSCSCL, observed, "Nowadays, this court has been observing that employees are invoking political influence in matters of transfer and posting, which essentially belong to the exclusive domain of the employer/competent authority."

On July 12, 2002 M Veena, a junior assistant at KFCSCSCL, was transferred from Bengaluru to Mangaluru. Without reporting for duty at Mangaluru, Veena applied for leave on medical grounds and produced a medical certificate. KFCSCSCL doubted its genuineness and consequently she was examined by a medical board. After the board certified that her claim for leave was not justified, Veena was handed compulsory retirement in July 2004. TNN



## Forgery FIR is Kolkata's 1st case under new law BNS

Dwaipayan Ghosh, Tamaghna Banerjee & Falguni Banerjee | TNN

**Kolkata:** A forgery complaint from Bansdroni in south Kolkata, recorded at 12.05am, became Bengal's first registered case under Bharatiya Nyaya Sanhita, the new criminal code that replaced the 164-year-old Indian Penal Code on Monday.

An FIR was drawn up on the basis of a complaint by a 40-year-old woman who allegedly lost Rs 2.4 lakh to cheaters, four of whom were named and slapped under multiple sections, including 318 BNS, which now replaces the old IPC 420 for cheating.

Just five minutes later, at 12:10 am, a case of rash and negligent driving was registered under BNS against an unidentified biker at Arambag in Hooghly.

The Hooghly district poli-

### Remand period still 15 days, says Shah

Home minister Amit Shah clarified on Monday that the maximum 15-day police remand period will remain the same as in CrPC. "The new law provides for 15-day police remand, but the detention can be in whole, or in parts, at any time during the initial 40 days or 60 days out of the detention period of 60 days or 90 days," he said. Former law minister Kapil Sibal had last year raised concerns regarding Section 187 of BNSS dealing with police remand.

ce also registered the first murder case in the state under the new law — 103 BNS in place of 302 IPC — after they arrested a father-son duo on charges of beating to death a

22-year-old in Tarakeshwar, 70 km from Kolkata. "We recorded one of the first cases under the new criminal code. All officers in our police district have been properly trained and provided with a ready reckoner that they can refer to while writing the cases under the new code," said Hooghly police superintendent Kamanshis Sen.

The state's third FIR under BNS, and the second in Kolkata, was once again registered at Bansdroni police station at 12.15am and yet again pertained to forgery. In this case, too, the complainant was a woman.

Till 8pm on Monday, Kolkata recorded over 75 FIRs under BNS and Bharatiya Nagarik Suraksha Sanhita that replaced the Code of Criminal Procedure.

► 'Case-filing simple', P 3

p3

# In Bidhannagar, first case under BNS follows 24-year-old pillion rider's death in Baguiati

Tamaghna Banerjee & Mayukh Sengupta | TNN

**Kolkata:** The first case recorded under Bharatiya Nyay Sanhita (BNS) in Bidhannagar was a death case, where a 24-year-old youth riding pillion on a bike died after falling from the two-wheeler near Kestopur crossing around

3 am on Monday.

**Sourav Pramanik** (24), a resident of Kestopur Rajbanshipara, wasn't wearing a helmet just like his rider friend. As he fell off the speeding bike, he fractured his skull. The friend had sped off. His other friends riding behind him saw him lying in a pool of blood and with the help of cops, they took him to a local hospital where he was declared dead on arrival.

Ten hours after his death, cops re-



The spot near Kestopur where the incident happened; (R) Baguiati PS that registered the case

gistered a case under sections 106 [1] (causing death by negligence), 281 (rash driving) and 125a (causing hurt by act endangering life or personal safety of others) of BNS 2023 at 1.15 pm based on a complaint by Sourav's sister Dolon Paramanik.

"My brother was returning from a temple at Hatibagan as a pillion rider on a bike driven by his friend Rahul Pramanik. Four of them had gone together," she wrote in the complaint. Based on her complaint, a case was initiated against Rahul Pramanik's

reckless and negligent riding.

According to cops, the bike crashed into the divider near the lock gate at Prafulla Kanan on the Airport-bound VIP Road. Sourav sustained severe head injuries and was rushed to Bidhannagar Sub-Divisional Hospital, where he was pronounced dead on arrival by the attending medical officer.

Local councillor Sushovan Mondal said the youth's father was a greengrocer at Baguiati Mission Bazaar area. "He was a BCom graduate and used to help his father in his business," said Mondal.

According to his friends, four of them had started for Bhootnath Temple in north Kolkata to offer puja early in the morning. They were returning after Sourav received a call from his family and they were rushing back home when the accident happened.



88

### **Badrinath deity sole owner of offerings: Court**

**Dehradun:** Badri Vishal, the deity of the Badrinath temple, "exclusively holds the rights to all offerings, gifts, and donations made by devotees", a court in Chamoli ruled while hearing a case that arose from a dispute involving claims from priests' outfit Nepali Lal Mohariya Panda Samaj (NLMPS) over donations received at the Nepali Ashram, reports **Pankul Sharma**.

The verdict said, "Solely, Badri Vishal possesses the absolute prerogative over all such articles... Given that the idol in the mandir is a legal entity, the mandir retains authority over the offerings and no other individual can assert entitlement over it." The litigation began when two brothers, Hari Prasad Dimari and Ballabh Prasad, from NLMPS, claimed their right to donations received by the Nepali Ashram in 2017, asserting it as a long-standing tradition.

## Give rehab plan for horse owners: HC

TIMES NEWS NETWORK

**Kolkata:** The bench of Chief Justice T S Sivagnanam and Justice Hiranmoy Bhattachayya has asked the state to submit the alternative livelihood rehabilitation plan for horse owners immediately and circulate it among petitioners PETA and Cape Foundation so that it can be deliberated at the next hearing on Aug 1.

The case relates to allegations of mistreatment of horses used for joyrides in the Maidan and a call to abolish use

of horse-drawn carriages. The counsels for PETA and Cape Foundation alleged that since the last hearing, three more malnourished and injured horses had died in negligence. The counsel representing the horse owners disputed it.

State advocate general Kishor Datta said he would submit the rehabilitation report to the court by the next date, to which the court asked it to submit it by the end of the day.

The court had asked for the report at the previous hearing on May 14.

P3



P5

## Repeated tragedies, graft case smearing Gujarat's image: HC

TIMES NEWS NETWORK

**Ahmedabad:** While hearing a suo motu PIL on the Rajkot fire tragedy, Gujarat High Court on Thursday expressed concern over the image of the state in the aftermath of repeated accidents at public places and reports of massive unaccounted wealth amassed by an accused officer. A massive fire at TRP Game Zone in Rajkot in May had killed 27 people.

When the Gujarat govt informed the court about action initiated against officials including Rajkot's

town planning officer MD Sagathiya, the bench of Chief Justice Sunita Agarwal and Justice Pranav Trivedi remarked on news of unaccounted wealth that Sagathiya has allegedly amassed.

"This person has been benefited, reports say. Everybody knows how it is done. This state (Gujarat) has a lot of potential. They cannot put this state in this situation for the sake of, and benefit of, a few officers. It is very serious if these incidents happen one after the other," the court said.

P10

## Bihar moves SC against HC nixing of quota hike

**New Delhi:** Bihar govt has moved the Supreme Court challenging a Patna HC verdict that has set aside the amended reservation laws in the state, which enabled the Nitish Kumar govt to increase the quotas for Dalits, tribals and backward classes from 50% to 65%.

In its June 20 verdict, the high court declared that the amendments, passed unanimously by the state's bicameral legislature in Nov last year, were "ultra vires" of the Constitution, "bad in law" and "violative of the equality clause". A division bench of the high court had allowed a bunch of petitions

challenging the Bihar Reservation of Vacancies in Posts and Services (for Scheduled Castes, Scheduled Tribes and Other Backward Classes) (Amendment) Act, 2023 and the Bihar (In Admission in Educational Institutions) Reservation (Amendment) Act, 2023, while "leaving the parties to suffer their respective costs".

In a detailed order running into 87 pages, the high court made it clear that it saw "no extenuating circumstance enabling the state to breach" the 50% cap on reservations laid down by the SC in the Indra Sawhney case. PTI



## HC tells kin of accused to start campaign against drug abuse

Biswendu Bhattacharjee | TNN

Agartala: Tripura High Court on Tuesday passed a significant order following the provision of Bharatiya Nyaya Sanhita, a day after the three new criminal laws came into effect, while hearing a bail petition of accused persons under the Narcotic Drug and Psychotropic Substance (NDPS) Act.

The accused Jibanjoy Tripura and Selenjoy Tripura hail from Gandacherra of Tripura's Dhalai district. They had been arrested by Birganj police and booked under the NDPS Act for allegedly peddling heroin.

The investigating officer submitted a partial chargesheet against both of them, which widened the scope of bail.

Justice Arindam Lodh held up the bail and ordered the parents of the accused persons to launch a campaign

against drug abuse and peddling in their respective areas. Based on the compliance report of the order, the court will hear the petition after one month; until then the accused persons have to be in jail.

He underlined that the new laws have inducted community service as a punishment and the judgment somewhat reflects the spirit of the new laws.

### NEXT HEARING IN AUG

While hearing a bail application of two drug peddlers - Jibanjoy Tripura and Selenjoy Tripura, Justice Lodh directed their parents to indulge themselves in anti-drug campaigns in their respective villages.

However, opposing the bail, Additional PP argued that the accused persons were involved in another crime registered with the Gandacherra police station. Hearing

both sides, Justice Lodh observed, "At this stage, it is not a fit case for granting bail. Both the accused persons are very young, being involved in drug peddling will not only spoil their lives and careers but will also hurt the generations to come".

Tripura has become a gateway and a safe corridor for trading illicit drugs, he added, "The parents and other family members of the accused persons are to start a campaign against trading and use of drugs in their areas".

The Justice directed the officer in charge, the Block Development Officer, and the Sub-Divisional Magistrate of Gandacherra to assist the family members of the accused persons in conducting such a campaign and prepare a report on the reactions of the villagers along with a video and photograph of the campaign before the next date of hearing on August 5.

P3

# Kolkata Police makes 1st BNS arrest in 'case of hurt'

Dwaipayan Ghosh  
& Monotosh Ckarabarty | TNN

**Kolkata:** Kolkata Police carried out its first arrest under the Bharatiya Nyay Sanhita 2023 (BNS) which replaced the 164-year-old Indian Penal Code from Monday. It involved a case of hurt, in which two groups clashed in the Watgunge area under the port division on Monday. Cops said that while multiple cases of road accidents got registered — like in the Hastings and Jadavpur police stations — no arrest took place in those cases.

The city police registered 31 FIRs on day one of the BNS getting implemented in the city. This was a fraction as compared to Delhi that registered around 300 cases. Police said there were several grey areas that were discovered on day one, leading Lalbazar to issue instructions stating that incidents that occurred prior to July 1 will continue to be registered under the old IPC. Incidents dating from or after July 1 will see cases getting registered under BNS, said senior officers at Lalbazar. A few cases are likely to be referred to the courts for directions on whether to lodge them under IPC or BNS, stated sources.

Meanwhile, the state saw its first arrest for crime against women under the BNS sections and also involving POCSO. A man, who was employed as a casting director, was arrested for sexually assaul-

## IPC AND BNS: KEY DIFFERENCES

> **Section 377 Removed:** The old law that criminalized certain sexual acts is no longer an offence

> **Organized Crime:** There is now a specific section for organized crime

> **Lynching:** Can now be punishable with death

> **Terrorist Acts:** Now explicitly included as offences

> **Community Service:** For minor offences like petty theft, community service can be a punishment instead of jail term

> **Hit-and-Run:** Punishment increased for causing death in hit-and-run cases from a maximum of 2 yrs to 5 yrs

> **Treason instead of Sedition:** This targets acts that endanger national integrity

ting his own minor daughter. He was arrested under BNS 76/351(3) along with Section 10 of POCSO Act. The accused is known to have supplied junior artists for Bengali films and serials. Police arrested him on Monday. He was presented before the Baruaipur Subdivisional Court on Tuesday. According to sources, the girl was sleeping at home on Monday afternoon. Her mother was out for work. Taking advanta-

At 12.05am, forgery FIR is Kol's 1st case under BNS



TOI | JULY 2, 2024

> **Theft Includes Digital Items:** The definition of theft now includes data theft and identity theft

> **Medical Negligence:** Specific provisions have been added to address medical negligence

> **Economic Offences:** This term is now specifically defined

> **Clause 69:** It criminalizes sexual intercourse under 'deceitful means'. Offender could face imprisonment of up to 10 years, accompanied by fine

ge of the situation, the accused entered the room and locked the door from inside. He then allegedly sexually assaulted her. The wife returned home unexpectedly and caught her husband in the act. She filed a complaint at Narandrapur PS. Based on the complaint, the accused was arrested.

Cops said they are relearning the new laws, but are confident to get used to it soon.



# 318 replaces 420 in first two Nyay Sanhita cases in Kolkata Police area

## Criminal Conspiracy, Forgery Charges

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**Kolkata:** Kolkata Police lodged its first case under the new criminal code of Bharatiya Nyay Sanhita 2023 (BNS) — which replaced the 164-year-old Indian Penal Code from Monday — barely five minutes after midnight at 12.05 am. The case was registered at Bansdroni police station.

Till late Monday evening, Lalbazar claimed around 75 FIRs had either been lodged or in the process of getting lodged under the BNS law. Cops said the training continued even on Monday.

Forty-year-old Baby Shaw from H.L. Sankar Road claimed to have lost Rs 2.4 lakh after several persons — four of whom were named in the FIR — entered into a criminal conspiracy and prepared a forged FD certificate book. It was allegedly

### NEW LAW IN PLACE OF 164-YEAR-OLD IPC

The first BNS case in Kolkata

> Case number 533

BNS sections

> 61(2)(a) | Criminal conspiracy

> 204 | Impersonating a public servant

> 316 (2) | Criminal breach of trust

> 318 (4) | Cheating and dishonestly inducing delivery of property

> 336 (3) | Forgery for the purpose of cheating

> 338 | Forgery of valuable security document or electronic record



The first case was registered at Bansdroni police station on Monday

Pic: Debabrata Shome

signed by a person, who posed as an officer of a nationalised bank. The accused then used those forged FD books to collect Rs 2,40,000 in instalments and fled when time of maturity came.

The case (number 533) was registered under BNS sections 61(2)(a) (criminal conspiracy), 204 (impersonating a public servant), 316 (2) (criminal breach of trust), 318 (4) (cheating and dishonestly inducing deli-

very of property), 336 (3) (forgery for the purpose of cheating), 338 (forgery of valuable security) and 340 (2) (using as genuine a forged document or electronic record).

"During training, we wanted to keep the process simple. We asked our officers to draft the FIR just like they would do previously. Once it got drafted, we replaced the new sections with the old ones. Cases under IPC sections pertaining to che-

ating and forgery (418-420 and 468-471) are very common in this PS. Hence, everyone was careful that the sections put in were correct, the charges double-checked by both the OC and additional OC," said a source in Bansdroni PS.

The second case, also pertaining to forgery, was lodged at 12.15 am at the same PS. Case number 534 was recorded on the basis of the complaint of a 62-year-old wo-

man, a resident of Brahmapur More in Garia. She alleged that her son and daughter-in-law were the main accused in this case. The others involved include one Tapas Baidya (who introduced himself as a bank staff) one Goyal, who introduced himself as the chief manager of a finance firm, and an advocate. They have been named in the FIR.

The accused allegedly prepared fake deeds and other documents by forging the signature of the complainant. The accused then forged documents as genuine ones and offered some loan of high value to her son and daughter-in-law keeping the complainant's property mortgaged and tried to oust her from the property. The woman's son and daughter-in-law are absconding. The case was registered under BNS sections 61(2)(a)/316(2)/318(4)/336(3)/338/340(2), almost identical to the first one.

"Writing the FIR is the easiest part. The probe is much more technical. There is emphasis on ensuring that the evidence collected is authentic and that the investigating officer is present at the crime scene," a senior cop said.



# During summer break, SC clears record 1,170 cases

Dhananjay Mahapatra  
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**New Delhi:** The colonial legacy of long summer vacations continues in the Supreme Court, but for the first time a record 20 benches were set up during the nearly two-month-long break this year and exhausted the list of cases to be taken up during this period with the consent of counsel for parties.

For those unaware of the punishing work schedule of SC judges, often criticised for the long summer break of the court, CJI D Y Chandrachud said, "People see us sitting in Supreme Court from 10.30am to 4pm daily, when we handle between 40 and 60 cases. The work we do between 10.30am and 4pm is a fraction of the work we do in order to be ready to deal with cases coming up for hearing on the next day." "Every judge spends an equal amount of time reading case files scheduled for the next day. Judgments are reserved on working days. On Saturdays,

## A SUPREMELY WORKING VACATION

### Cases Listed Before SC Vacation Benches

2017-2022	1,380*
2023	2,223
2024	4,160

### Cases Disposed Of

2017-2022	461*
2023	751
2024	1,170

\* Average for each summer break in the 6-year period (including 2017)

### This Summer's Highlights

- Record 20 vacation benches set up
- 1,157 matters on which notices issued

### Coming Up In Next Few Weeks

7 CJI-led Constitution-bench judgments, three by 9-judge benches, two by 7-J benches & two by 5-J benches

every judge sits down and dictates judgments. On Sundays, all of us read the cases listed for Monday. So, without exception, every SC judge works seven days a week," he said.

Interestingly, despite handling a lot of administrative work and attending conferences in India and abroad, the CJI has been working on judgments reserved in 18 cases, which have a total of 176 connected petitions, by benches headed by him.

"Other SC judges have reserved judgments in 190 cases

with 786 connected petitions and they are also working round-the-clock on these judgments so that decisions can be pronounced within a few weeks of the court reopening," the SC registry told TOI. As the SC resumes normal functioning on Monday after the summer break, the CJI-led benches in the next few weeks would be pronouncing judgments, including three by 9-J benches, two by 7-J benches, and two by 5-J benches.

► Vacation disposal..., P 7



P1

## HC acquits Ram Rahim in murder of ex-manager

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**Chandigarh:** The Punjab and Haryana High Court on Tuesday acquitted Dera Sacha Sauda chief and rape convict **Gurmeet Ram Rahim Singh** and four others in a 22-year-old case involving the murder of his then manager Ranjit Singh. The HC cited "a tainted and sketchy investigation" and presentation of evidence "unworthy of credence".

A special CBI court in Panchkula had sentenced the Dera chief and the co-accused

to life imprisonment in 2021—his third conviction in as many cases.

The controversial cult leader has been in jail since Aug 2017, serving separate 20-year terms after being convicted of raping female disciples. On Jan 17, 2019, a CBI court sentenced him to life imprisonment for



the Nov 2002 murder of Sirsabad-based journalist Ram Chander Chhatrapati, just over four months after Ranjit Singh's killing.

► Lapses in probe, P 7

## Ram Rahim verdict highlights several lapses in murder probe

► Continued from P 1

The 163-page verdict by the division bench of Justices Sureshwar Thakur and Lalit Batra highlights multiple lapses in the probe into the former Dera manager's murder, including the revelation that the presumed murder weapon wasn't used in the crime. It also points out that the vehicle supposedly used in the murder was never seized.

Justice Thakur said despite witnesses testifying that all four assailants were armed, CBI failed to confiscate any of these firearms. CBI also didn't present a site plan of the place where the alleged conspiracy to kill Ranjit was hatched on June 16, 2002, he said.

The court observed that "the intellectual strength" of the investigating officer ap-



peared to have "become staticised (become static) by the glare of media publicity".

**Ram Rahim** and his co-accused — Avtar Singh, Krishan Lal, Jasbir Singh and Sabdil Singh — had appealed the CBI court's Oct 18, 2021 verdict sentencing them to life imprisonment.

The prosecution said Ranjit Singh had been killed for his suspected role in the circulation of an anonymous letter revealing sexual abuse of disciples by the Dera head. He was riding a bike after serving tea to his father in a field at Khanpur Kolian village of Kurukshetra when four assailants fatally shot him and fled. The bench noted that CBI did not collect any evidence from the restaurant

where witnesses said they saw some of the accused celebrating the murder.

The clothes of those who took the deceased to hospital in a car were smeared with blood, but the investigating officer didn't collect these as evidence. Also, no test identification parade was done.

The Dera chief, who is currently serving time in Rohtak's Sunaria jail, has challenged his other two convictions too. His appeals in the rape cases and the Chhatrapati murder case are pending in the high court. Nearly 40 people died in the backlash in Panchkula and elsewhere in Haryana and Punjab after his 2017 rape conviction. Cases pertaining to the alleged castration of Ram Rahim's followers inside the Sirsa dera are pending. On Feb 1, 2018, CBI charged him and two doctors in this case.



# THE TIMES OF INDIA

## JUNE 16, 2024

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SUNDAY TIMES OF INDIA, KOLKATA  
JUNE 16, 2024

# Madras HC acquits 7 persons given death for murder of doctor in 2013

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**Chennai:** Madras High Court on Friday acquitted all seven persons sentenced to death and two others awarded life imprisonment by a Chennai sessions court in the sensational Dr Subbiah murder case. Setting aside the trial court verdict of Aug 2021, a division bench of Justices M S Ramesh and Sunder Mohan ordered immediate release of all the accused, if they are not wanted in any other case. The court also ordered that the fine amount, if paid by the accused, be returned.

The 58-year-old neurologist was stabbed in full public view on Sept 14, 2013, as he walked out of Chennai Billroth Hospital towards his parked car after work in the evening. Visuals of the murder, which were captured on a CCTV camera, went viral on social media.

According to the prosecution, a land dispute in Dr Subbiah's family over a 2.4-acre plot in Kanyakumari district led to the crime.

While the sessions court convicted nine people, one accused, who turned approver and became a prosecution

## HC: Is Labrador a ferocious breed?

**C**an the Labrador retriever be classified as 'ferocious' and banned since a child was attacked by a dog of this breed recently, Madras HC wondered on Friday. "It's highly unusual," Justice Anita Sumanth said, referring to the attack. "Identifying ferocious dog breeds should be a collective process. We have seen scores of news reports on dog bites recently. It should be contained," the judge added.

HC made the observation while hearing a plea by Kennel Club of India against Centre's recent notification banning import and breeding of certain dog breeds. Incidentally, Labrador retriever is not among the breeds banned. Centre had submitted in the court that a committee has been set up to consider comments from all stakeholders to identify such breeds. HC directed Centre to ensure the process is transparent and closed the case. **TNN**

witness during the trial, was allowed to go free.

Ponnusamy, Basil, Boris, William, James Satish Kumar, Murugan and Selva

## Shabir Shah gets bail in PMLA case

**A** Delhi court has granted regular bail to Kashmiri separatist Shabir Ahmed Shah in a money laundering case, reports **Vineet Upadhyay**. The court of additional sessions judge Dheeraj Mor, while allowing Shah's bail plea, said he has been in custody in the case for six years and 10 months which is more than half the total prescribed maximum punishment of seven years.

The court noted that even if Shah is granted bail in this case, he is not likely to be released from jail in the other offences before July 7, the date on which the maximum punishment of seven years in the present case expires for him as an undertrial prisoner.

The court stated that Shah is in custody in other cases which are "very serious in nature." Its conditions for bail included personal bond and surety of Rs 1 lakh each and a bar on leaving the country.

Prakash were sentenced to double capital punishment for offences under Indian Penal Code sections 302 (murder) and 120B (criminal

## Man's service gives son no job claim: HC

**P**unjab and Haryana HC has rejected a plea by a Punjab Police personnel's son seeking a job on grounds that his father had participated in anti-terrorist operations, observing that if such pleas are accepted, every cop would claim a job for his children, reports **Ajay Sura**.

Justice Jagmohan Bansal dismissed the petition filed by Avtar Singh, a resident of Sangrur district, and his father, a retired cop, seeking directions to the state govt and police to appoint the petitioner (Avtar Singh) as a constable.

The petitioners contended that Avtar's father, while serving in the police force, had suffered two bullet injuries fighting with terrorists in 1992 and that his valour and courage had been very well recognised by the state authorities. On account of the father's contribution, the son should be appointed as a police constable, the petition stated.

conspiracy). Meanwhile, the other two accused, Mary Pushpam and Yesurajan, were handed double life terms by the trial court.

P6

### HC: Pay ₹6 lakh in damages to wife of convict killed in jail

**Hyderabad:** Making it clear that the fundamental rights cannot be denied even to prisoners, Telangana High Court has directed state government to pay over Rs 6 lakh as compensation to the widow of a life convict murdered by a co-prisoner in Hyderabad jail in 2012, reports **Sagar Kumar Mutha**.

Justice CV Bhaskar Reddy brushed aside the state's argument that it was not responsible as Karolla Venkaiah did not die at the hands of jail staff. The judge stressed that jail officials had failed in their duty to protect his life.

"Right to life cannot be taken away from a person merely because he happened to be a convict. Deprivation of rights is possible only to the extent permitted by law," Justice Reddy said.



P4

## Tripura lawyers stage protest against power cuts in courts

Biswendu Bhattacharjee | TNN

**Agartala:** Lawyers came out on the streets of Agartala on Wednesday protesting over a prolonged power cut in the West Tripura district and sessions court complex for past two days after cyclone Remal hit Tripura on Monday night.

Despite repeated complaints allegedly the power supply restoration team didn't respond.

The agitated lawyers gathered a senior official of Tripura State Electricity Corporation Ltd (TSECL) in the court premises for an hour demanding immediate restoration of power supply.

However, with the assurance of the time-bound action of Power Minister Ratan Lal Nath, the agitation

was withdrawn. "Proceedings in the West Tripura district and sessions court along with other subsidiary courts were badly affected on Tuesday due to a power cut from the previous night. The electricity supply remained disrupted today. Several serious cases are not being heard and the judges' offices couldn't function due to prolonged power cuts," alleged agitating lawyers.

Two days after cyclone Remal hit Tripura, power supply in many places across the state including several locations of the capital city Agartala has not yet been restored. It irked the citizens and prompted them to resort to agitation in many places since Tuesday.

Allegedly, nobody responded to the calls in Tripu-

ra State Electricity Corporation Ltd (TSECL) offices across the state. The toll-free number was kept disconnected and other numbers remained unanswered for the last two days.

The TSECL call offices in the villages were shut down for the last two days to prevent public outrage.

Meanwhile, the opposition Congress demonstrated in front of TSECL headquarters in the city demanding the step down of power minister Nath and immediate restoration of power supply. They alleged that the minister and his associates have outsourced consumer services related to power to some outsiders who didn't work properly since the beginning but the department has not yet discontinued them.

P8

### **HC discharges district lawyer in criminal contempt case**

**New Delhi:** Considering the "acute behavioural issues" of a sexagenarian lawyer who appeared before it, Delhi High Court has directed Bar Council to assess whether he is fit to continue in the profession.

A bench headed by Justice Suresh Kumar Kait observed that besides having "poor vision", the lawyer seemed to get "frustrated" and "annoyed for the reasons best known to him" and did not "even realise what to speak and how to speak".

The court was hearing a criminal contempt reference against the lawyer for allegedly misbehaving and raising voice in the court of an additional district judge. The court noted that the lawyer was undergoing treatment for having behavioural issues and refrained from taking any coercive action against him for the "disrespect" shown to the district court. PTI



MAY 26, 2024

P1

## After Cal HC's order, Raj govt plans to review 14 Muslim groups on OBC list

**Jaipur:** BJP-governed Rajasthan is considering reviewing 14 Muslim groups on its OBC list, taking the cue from Calcutta High Court's recent scrapping of 77 classes, mostly Muslims, categorised as OBCs by Bengal's TMC govt.

"We will examine after June 4 (results day, after which the model code will be lifted) if the inclusion of these (Muslim) communities in the OBC list from 1997 to 2013 was legal or illegal," Rajasthan social justice minister Avinash Gehlot said. He cited the Calcutta HC order and asserted religion-based quota was wrong.

Rafeek Khan, chairman of Rajasthan State Commission for Minorities, accused Gehlot

of undermining the Constitution, and said that the 14 Muslim groups were added in the list "following a due process, including a survey, backed by rules".

"Had the entire Muslim community been included in the OBC list, it could have been termed reservations based on

committing a grave sin" by giving Muslims OBC quotas.

In its order Wednesday, the HC had junked all new OBC categorisations in Bengal after 2010, saying the authorities had "practised protective discrimination in deviation of constitutional norms".

The ruling effectively invalidates all OBC certificates given out by successive TMC govt's since the party first came to office in 2011. The order points out that within six months of Bengal announcing 10% reservation for backward Muslims in 2010, the state backward classes commission recommended 42 groups as OBC, of which 41 communities were Muslim. TNN

### ► 5L certificates, P 6

religion. Only 14 Muslim groups were chosen based on their backwardness, just like others on the state list," Khan said.

Campaigning in Lucknow, Rajasthan CM Bhajanlal Sharma accused INDIA bloc, constituent TMC and Bengal CM Mamata Banerjee of "crossing all limits of appeasement and

N

## Verdict could cancel 5L OBC certificates

►Continued from P 1

The judges questioned provisions of the West Bengal Backward Classes Act, 2012, that allowed the state government to include new categories under the OBC A and B lists through a gazette notification.

The verdict could result in the cancellation of around five lakh OBC certificates, although the court clarified that reservation beneficiaries who were in service wouldn't be affected by the order. The HC left untouched 66 OBC categories that had been notified prior to 2010.

P 5



p9

# SC stays Uttarakhand HC ambitious relocation plan

## HC Wants Plot For Bldg With 7,000 Lawyer Chambers

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**The stay comes two days before the hearing before an HC bench of Chief Justice Ritu Bahri and Justice Rakesh Thapliyal, which had directed the chief secretary to locate suitable land for the complex**

**New Delhi:** Supreme Court on Friday stayed Uttarakhand High Court's ambitious order that had rejected a 26-acre plot at Haldwani for relocation of the overcrowded HC complex at Nainital and sought an appropriate site from the state to construct a new HC building with 7,000 chambers for lawyers. Appearing for UK HC Bar Association, senior advocate P B Suresh with counsel Vipin Nair took a preliminary yet potent objection to the jurisdiction and power of the HC to direct shifting of HC's principal seat, which can only be ordered by the President after Parliament passes a bill to that effect.

Before a vacation bench of justices P S Narasimha and Sanjay Karol, they argued that HC had power to create circuit or permanent benches at different places in a state with prior approval of the governor concerned. As Centre through SG Tushar Mehta supported the bar association's plea, the bench stayed the May 8 order of the HC.

The stay from SC comes two days before the May 26 hearing before a HC bench of Chief Justice Ritu Bahri and Justice Rakesh Thapliyal, which had directed the state chief secretary to locate suitable land for establishment of HC complex, residential accommodations for judges, judicial officers and staff, conference hall, chambers for at least 7,000 lawyers, canteen, parking space, along with good medical facilities. SC has provided for 700-odd lawyers chambers.

"This exercise shall be completed by the chief secretary within a month and submit a report to the HC by June 7," it had said, while asking HC registrar general to put in motion a poll to seek opinions of lawyers and litigants on desirability of shifting the HC complex from Nainital. The state

had allotted 26-acre land at Golapur in Haldwani for shifting the HC complex. Finding the land to be surrounded by forest, which formed 75% of allotted land, the CJ-led bench had said the HC "does not want to uproot any of the trees to make a new HC." The bench had asked the state to allot a suitable site at some other place.

Before SC, HC bar association in its plea through Vinod Khanna said the HC could not have ordered for an opinion poll as "only Parliament or Centre could decide on establishment of a principal bench of a HC in a state." However, bar association of Dehradun supported the HC order and requested SC not to interfere with it as the HC complex is congested, making it difficult for lawyers, litigants and judges to function properly.



# Cal HC strikes down state govt's OBC listing since 2010

## 5 Lakh OBC Certs In Danger Of Being Scrapped

Subrata Chattoraj | TNN

**Kolkata:** Calcutta High Court on Wednesday struck down the categorisation of new OBC classes under categories A and B made since 2010 in Bengal, saying the exercise had "violated constitutional provisions" and the authorities had "practised protective discrimination in deviation of constitutional norms". The order might lead to the scrapping of around 5 lakh OBC certificates.

"No data was disclosed on the basis of which it was ascertained that the community concerned is not adequately represented in the services under Bengal govt," the division bench of justices Tapabrata Chakraborty and Rajasekhar Mantha said.

The bench, however, did not interfere with 66 OBC classes categorised prior to 2010. Justice Mantha said the order would have "prospective" effect. Those already in service, those who have already availed themselves of the benefit of reservation, and those who have been selected for employment would

### CASE HISTORY

➤ First writ petition filed on Jan 18, 2011

➤ Present batch of PILs challenged identification and classification of 77 classes as OBCs in Bengal in 2010 and 2012

not be affected.

The bench said OBC categorisation made by state govt was unilateral, adding it should have consulted the West Bengal Backward Classes Commission. A report should then have been placed with the state legislature, with recommendations for inclusions and exclusions in the state list of OBCs, the bench added. Reservation for the OBC category, taken by an executive decision, was quashed on these grounds.

Overall, the bench struck down provisions under the West Bengal Backward Classes Act, 2012, which allowed state govt to include new categories under the OBC A and B list through a gazette notification. The bench also cancelled the categorization of 37 and 77 classes under Schedule I of the state list of OBCs. Justice Chakraborty, concurring with Justice Mantha, held that the 2012 act had provided state govt with "carte blanche authority, in respect of specifying or declaring classes as backward,

## 'BJP ruling, will not accept it,' says CM Mamata

Dwaipayan Ghosh & Sanjib Chakraborty | TNN

**Kolkata:** Chief minister Mamata Banerjee on Wednesday flatly refused to accept Calcutta High Court's verdict striking down state govt's new OBC categorisations since 2010, terming it "BJP's verdict". "We will not accept it. OBC reservation is continuing, and it will continue," she said at a public meeting in Khardah on Wednesday, indicating state govt would appeal in Supreme Court.

"Today, I heard a judge, who has been famous, passed an order," the CM said at the rally, during which she also said: "One retired judge is saying I am an RSS person, and another one joins BJP. How can these people be trusted to ensure justice?"

TOI had reported on Tuesday that Calcutta HC's third most senior judge, Justice

who may be entitled to reservation". He noted in the order that there was a "complete lack of legislative policy" within the scheme of the act. "The legislature has to lay down the legislative policy

Chitta Ranjan Dash, while retiring from the bench on Monday, had candidly admitted in his farewell speech that he was still a member of the RSS and was ready to work for it again. Another former HC judge, Abhijit Ganguly, is contesting Lok Sabha polls as a BJP candidate.

The CM did not name any of the judges on the division bench that passed the OBC verdict. "Whoever's verdict this might be, I will not name that person, but this is BJP's verdict," she said, adding, "How dare they? The court cannot be divisive. The country cannot be divisive. This is a dark chapter unfolding now."

Banerjee also clarified that it wasn't she who had done the OBC categorisation. "I did not do this (the reservation)... Upen Biswas (former CBI joint director and Bengal minister) was chairman then," she said.

and principle to afford guidance for carrying out the said policy before it delegates its subsidiary powers on its behalf," he said.

► 'High probity', P 5



# HC: State must conduct itself with high probity

► Continued from P 1

The bench said that state govt had announced 10% reservation for backward Muslims in 2010.

"Within a period of six months thereafter, the com-



mission recommended 42 classes as OBC, of which 41 communities belonged to the Muslim religion," it remarked.

"Following such recommendation, the state immedi-

**'The commission recommended 42 classes as OBC, of which 41 communities belonged to the Muslim religion,' the bench remarked.**

**'Following such recommendation, the state immediately included the same in the list,' the bench noted in the order**

ately included the same in the list. Thereafter, vide memo number 1673 dated 11th May, 2012, state further included 35 classes (9 in OBC-A category and 26 in OBC-B category)," the bench noted in the order.

"As a model employer, state govt must conduct itself

with high probity and candour and ensure that the populace do not succumb to any discriminatory practice in the procedural rigmarole," Justice Tapabrata Chakraborty remarked. The bench also rejected state govt's prayer for a stay on the order.

P17

## HC cuts life term of five JeM men to 10 years

**New Delhi:** Delhi High Court on Monday reduced the life sentence of five Jaish-e-Muhammed (JeM) activists to ten years, while stating that the India's justice delivery system strongly believed that the "eventual consequence of any penal sanction should be to reform an individual, instead of shutting him out by putting him inside for life".

A trial court had sentenced Bilal Ahmad Mir, Sajad Ahmad Khan, Muzaaffar Ahmad Bhat, Mehraj Uddin Chopan, and Ashfaq Ahmad Bhatt to life imprisonment for offences under



Sections 121A (conspiracy to wage war against the and Section

23 (aiding terrorist organisation) of UAPA.

However, a division bench of justices Suresh Kumar Kait and Manoj Jain observed that the trial court got swayed by the enormity of the allegations and did not give importance to the fact that convicts were remorseful and pleaded guilty at the first available opportunity.

Considering this along with the convicts' young age and the fact

that they did not have any prior criminal record, HC said the the approach of the trial court should have been to reform them.

"The man who has a conscience suffers whilst acknowledging his sin. We refer to a quote by Fyodor Dostoevsky, the author of 'Crime and Punishment' and in chapter 19, Dostoevsky writes that 'if he has a conscience he will suffer for his mistake; that will be punishment — as well as prison'," the bench said while modifying the sentence from life imprisonment to 10 years' rigorous imprisonment. AGENCIES



P3

## HC shuts down four party offices on public land

Subrata Chattoraj | TNN

**Kolkata:** The Calcutta High Court on Tuesday directed to shut down 3 CPM party offices and one BJP office that came up at Rajarhat on land belonging to Hidco, PWD and state irrigation department. The petitioner's counsel, Shamim Ahmed, submitted to the court on Tuesday that as many as 35 party offices had come up on govt land in the area.

Justice Amrita Sinha directed the authorities to conduct a spot inspection and decide on the demolition of the properties. On May 10, the court directed demolition of a TMC office on a Hidco land in the NKDA area. Justice Sinha had during the last hearing asked the counsel for Hidco, whether a standard operating procedure was in place to clear encroachment of govt properties. The Hidco counsel submitted that the SOP needed to be worked on.

P1

## Am an RSS member, ready to return to fold: Cal HC judge

### 'Don't Have Any Bias,' He Says In Farewell Speech

TIMES NEWS NETWORK

**Kolkata:** Calcutta High Court's third senior most judge, Justice Chitta Ranjan Dash, retired from the bench on Monday, candidly admitting in his farewell speech that he was still a member of the Rashtriya Swayamsevak Sangh and was ready to work for it again if it "called him for any assistance".

"Because I have done nothing wrong in my life, I had the courage to say that I belong to the organization (RSS) because that too is not wrong," he said before a high court full

(As a judge), I have treated everybody on a par: Rich, poor, a Communist, (or someone) with BJP, Cong or Trinamool. All were equal before me



As I've done nothing wrong in my life, I had the courage to say I belong to RSS as that too is not wrong

—Justice Chitta Ranjan Dash

bench.

"To the distaste of some, I must admit here that I was and I am a member of the RSS. I had distanced myself from the organisation for about 37 years because of my work. I have never used my membership with the organisation for any advancement of my career,

which is against the principles of my organisation. I have treated everybody on par, the rich, the poor, a Communist, (or someone) with BJP, Congress or Trinamool. All were equal before me," Dash, who spent over two-and-a-half-decades as a judge (15 of them as an HC judge), said. Calcutta HC long-timers called the admission unprecedented.

"I am now ready to go back to the organisation if it calls me for any assistance for any work that I am capable of doing," he said, adding: "I cannot belong to a bad organisation. If I am a good person." He said, "I do not have any bias against anybody, any bias for any political philosophy or political mechanism."

► 'Cal HC rules archaic', P 10



P10

## 'Cal HC rules archaic, CJ needs bar's cooperation'

►Continued from P 1

Justice Chitta Ranjan Dash said: "I tried to dispense justice on two principles. The first is empathy and the second is the law can be bent to suit justice but justice cannot be based to suit the law. I have always applied these two principles in my life. I may have done wrong, I may have done right."

The Supreme Court, earlier this year, called some of the observations of a division bench led by Dash "wrong and problematic". "Adolescent girls must control their sexual urges instead of giving in to two minutes of pleasure," was one of the observations of the HC bench led by Dash. The SC, commenting on this, said judges were supposed to decide a case on the basis of law and facts and should not resort to preaching in judicial proceedings.

Dash on Monday recollected his struggles when he lost his father (Jagneshwar Dash who, too, was a judge) at the age of 27. He spoke about the need to change some HC rules. "Some of the Calcutta HC rules have become archaic. That needs changes. The HC chief justice needs the bar's cooperation. We have to march with time. We cannot look back at the past. We have to look ahead," he said.

91

### After Patanjali, IMA chief's turn to face SC flak

**New Delhi:** Supreme Court on Tuesday frowned on comments made against it by Indian Medical Association president R V Asokan and said they were "very, very unacceptable".

It sought Asokan's response on an application filed by Patanjali Ayurved and posted the matter for further hearing on May 14.

On April 29, Asokan had said it was "unfortunate" that SC criticised the association and also some of the practices of private doctors.

Senior advocate Mukul Rohatgi, appearing for Patanjali, told the bench that they had filed an application urging the court to take judicial notice of the "wanton and unwarranted comments" made by the IMA president. TNN

► 'Endorsers responsible', P 8



## Endorsers responsible for misleading ads: SC

►Continued from P 1

This is a very serious issue. They are trying to divert the course of justice... Your lordships asked one or two queries and see how they are reacting as if nobody can ask anything," Rohatgi said.

"You can't say you don't know," the bench of Justices Hima Kohli and Ahsanuddin Amanullah told IMA's counsel.

Asokan was replying to

a query about the SC's observations during a hearing on April 23 when it had said while it was pointing one finger at Patanjali, the remaining four fingers were pointed towards IMA. The "vague and generalised statements", Asokan said, had demoralised private doctors.

The bench had, on the previous hearing, told IMA to "put its house in order" and address unethical practices by doctors and

hospitals like prescribing unnecessary and expensive medicines.

During the hearing on the case on misleading advertisements of Patanjali Ayurveda, the bench also said endorsers were equally responsible for issuing misleading advertisements given by companies and suggested celebrities should act responsibly while promoting products.

"We are of the opinion that advertisers, and en-

dorsers are equally responsible for issuing misleading advertisements," the bench said.

The court said that advertisers should give a self-declaration before putting advertisements in the public domain on the line of the Cable Television Networks Rules, 1994. It directed the Centre to put in place a mechanism for consumers to lodge complaints regarding misleading advertisements.

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MAY 9, 2024

9/10

# HC relief for holding cos facing GST notices over corp guarantees

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**Mumbai:** In a relief for India Inc, the Punjab & Haryana high court has stayed a circular that subjected corporate guarantees, given by holding companies for the benefit of their subsidiaries, to GST.

In an interim order, the HC has stayed the circular issued last Oct by the Central Board of Indirect Taxes and Customs (CBIC).

This circular had held that a corporate guarantee given by a holding company to a bank or financial institution for sanction of credit facilities to its subsidiary would be a 'supply of service' subject to GST. It had added that the tax incidence would arise even if no consideration is involved. The matter, pending before the high court, includes a challenge to valuation of corporate guarantees as well.

With this stay, for now, India Inc—which is reeling under showcase notices and GST demand orders running into several hundred crores—can breathe easy. Companies

## STAY ON CBIC'S OCT 2023 CIRCULAR

### CBIC circular in Oct:

> In Oct 2023, CBIC amended Rule 28(2) to provide that GST @18% is payable on 1% of the value of the guarantee or actual consideration, whichever is higher

### High Court order:

> In an interim order, the HC has stayed application of the circular



> The high court will hear the challenge to an amended valuation rule

es that have received showcase notices based on this circular can approach an HC for quashing the same.

Demands have been raised on the holding company, if it is in India. If the holding company is overseas, the Indian subsidiary (for whose benefit the corporate guarantee is given) is facing GST demands.

Industry representatives told TOI that after the circular, the issue of showcase notices, followed by demands, intensified. Industries across all sectors, ranging from FMCG to infrastructure, received such notices. "The interim order, which has granted a stay, will apply

pan-India. The circular, which stated that corporate guarantee was a supply of service, led to a foregone conclusion on part of tax officials, that every corporate guarantee transaction (other than personal guarantee by a director) was subject to GST, without the same being tested on merits," said Mannat Waraich, who represented Acme Cleantech Solutions in this matter before the HC.

She added, "If a company has received a showcase notice, which is based on the circular, it should immediately approach the jurisdictional high court for quashing the same. If an order raising a demand has been issued, the

company should approach the appellate authority or the high court seeking to quash it. It would be up to the quasi-judicial authorities/courts to quash the demand or keep it in abeyance."

Sujit Ghosh, who led the arguments for the company, said, "This interim order essentially seeks to enforce that we have a fundamental separation of power (under our constitutional construct) between the executive and the judicial wing of governance. The executive wing being the tax administrator (i.e. CBIC) in this case cannot fetter with the adjudicatory and appellate powers of the quasi-judicial authorities."

"We have also challenged Rule 28(2) of the CGST Rules (amended) which provides that GST at 18% will be payable on 1% of the value of the guarantee or the actual consideration, whichever is higher. These rules have also been challenged as being arbitrary, discriminatory, and confiscatory in nature," Waraich added.



MAY 10, 2024

pg

THE TIMES OF INDIA, KOLKATA  
FRIDAY, MAY 10, 2024

## SC: Can't carry Raj-era bias to tag castes, tribes 'history-sheeters'

**New Delhi:** Supreme Court had ruled police cannot carry colonial-era biases against persons belonging to certain tribes and Scheduled Castes to mechanically brand them in their records as 'bad characters' or 'history-sheeters' and said such archaic mindset violated individuals' right to dignity guaranteed under Article 21 of the Constitution, reports **Dhananjay Mahapatra**.

After nudging Delhi Police to amend the format, which was copied from 90-year-old Punjab Police Rules of 1934, to exclude the minor children and wife of a person from getting included with him as a bad character, a bench of justices Surya Kant and K V Vishwanathan on Tuesday asked all states to revisit their rules within six months regarding inclusion of a person in police's 'history-sheeter' record. After deciding the case from Delhi, the bench examined the desirability of ensuring that no mechanical entries in 'history sheet' are made of innocent individuals.

P5

## HC orders demolition of illegal bldg on Hidco land

Subrata Chattoraj | TNN

Kolkata: The Calcutta High Court on Friday ordered NKDA to demolish an unauthorized construction on Hidco land as provided in the NKDA Act, 2007. The unauthorized construction, raised without any notice to the NKDA, was being used as a party office.

Justice Amrita Sinha passed the order after perusing the joint inspection report submitted by the Hidco and the NKDA. The court also recorded the police report submitted to the Hidco estate manager on April 26. Petitioner's counsel Shamim Ahmed made the prayer for demolition of the construction.

Justice Sinha asked the counsel for Hidco, the owner of the land, whether a standard operating procedure was in place to clear encroachment of govt property. The Hidco counsel submitted that the SOP was needed to be worked out by the state department concerned.

Shamim Ahmed submitted to the court that as many as 35 party offices had come up on Hidco land and proposed to affix photographs of the unauthorized constructions. Justice Sinha wanted the Hidco and NKDA to launch a portal where the public can give information about unauthorized constructions.



MAY 12, 2024

## HC: No simple formula to find out if consent was voluntary

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**Nagpur:** The Nagpur bench of Bombay HC recently acquitted a Latur man accused of rape by his girlfriend. While acquitting the man, the court held that there is no straitjacket formula to determine whether the survivor's consent for intercourse was voluntary or under a misconceived notion.

"The test laid down by

the courts provides, guidance for considering a question of consent. But the court must consider facts before it and surrounding circumstances. Each case has its own peculiar facts, which may have a bearing on the question whether the consent was voluntarily or was given under misconception of fact," a division bench comprising Justices Vinay Joshi and Vrushali Joshi said.

P10

P14

## SC disposes of Hemant Soren's plea in money laundering case

**New Delhi:** The Supreme Court on Friday disposed of a plea filed by former Jharkhand CM Hemant Soren seeking a direction to the high court to deliver its verdict on his petition challenging his arrest by the Enforcement Directorate in a money laundering case. A bench of justices Sanjiv Khanna and Dipankar Datta observed that the petition has become infructuous as the high court has delivered its judgment on May 3 and Soren has already challenged the same in the SC.

Soren had also sought interim bail for campaigning in the Lok Sabha elections till the high court delivers its verdict on his plea against arrest.

"This has become infructuous," the bench told senior advocates Kapil Sibal and Arunabh Chowdhury, who were appearing for Soren. Sibal said Soren's special leave petition challenging the last week's verdict of the high court is coming up for hearing before the top court on May 13. He said both the petitions be heard together on May 13.

The bench, however, said Soren's counsel can raise all the contentions in the SLP which will come up for hearing on May 13. PTI



P6

## HC notice to Kareena over 'Bible' book title

**Jabalpur:** Madhya Pradesh HC has issued a notice to actor Kareena Kapoor Khan and six others on a petition seeking registration of a case against her for using the word 'Bible' to name her book on pregnancy, thereby "hurting the religious sentiments of Christians".

The HC wants to know from the actor why the word 'Bible' was used in the title.

The petition was filed by advocate Christopher Anthony, a resident of Jabalpur, in 2022 after the release of the book, 'Kareena Kapoor Khan's Pregnancy Bible'. TNN

p4

# 'Shortage of docs': HC lets medico hold degree despite admission on false info

## Directs Student To Pay Open Category Fees

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**Mumbai:** The Bombay High Court held that a student wrongly gained admission in 2012 to an MBBS degree course in a top Mumbai college as an OBC on a non-creamy layer certificate based on false and suppression of information, but ordering that doctors are needed, did not cancel her admission as she had completed the course.

"In our country, where the ratio of doctors to population is very low" withdrawing her qualification would "be a national loss, as citizens would be deprived of one doctor," said a division bench of Justices A S Chandurkar and Jitendra Jain, noting at the same time that the "unfair means" by her parents to secure her admission under the OBC category has "deprived another eligible candidate".

"If the medical profession is based on a foundation of false information, it would certainly be a blot on the noble profession," the HC said, adding how no student should build their foundation on suppression of facts. But the HC wanted to strike a balance.

It held that the Mumbai suburban collector was justified in 2013 in cancelling the non-creamy layer certificate issued to the student Lubna Mujawar as an OBC category candidate.

The Lokmanya Tilak Medical College at Sion had then cancelled her admission to the MBBS course, in Feb 2014. But the HC said due to the passage of time and as she, based on interim orders that allowed her to study, completed her course in 2017, she should now be conferred with the degree.

Under the interim orders of this court which were in operation from Feb 2014 onwards, the petitioner has completed the course of MBBS and, therefore, it would not be proper at this stage to withdraw the qualification obtained by the petitioner more so when the petitioner has qualified as a doctor, the court said.

The HC said the student gained admission on her father giving false information and not disclosing that the mother worked for the municipal corporation.

The non-creamy layer certificate entitles students to low fees. The HC directed the student to now pay the fees as an open category student for the course, within three months, and also additionally pay the college Rs 50,000.

In 2012, based on a petition seeking inquiry into OBC admissions in MBBS courses based on non-creamy layer certificate an inquiry was conducted against all students who had been admitted. The petitioner, Lubna Mujawar, said since her father had given her mother a taluqa, he did not mention her income on the certificate.

The MUHS said he falsely stated they were not staying together to avoid being hit by the Rs 4.5 lakh income limit for non-creamy status.

## Court denies bail to DHFL promoters

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**Mumbai:** Refusing to grant bail to DHFL promoters Dheeraj and Rakesh Wadhwa who sought the relief on the grounds that they had already spent more than half the maximum sentence of seven years in jail, a special PMLA court has said the one year that the duo consumed in stalling their bail pleas has to be deducted from the computation of the time they had spent as undertrials. The brothers were arrested in 2020 in a money laundering case in which Yes Bank founder Rana Kapoor and others are also accused.

In Dec last year, Kapoor was granted bail in the case after the judge said he did not mention her income on the certificate. The MUHS said he falsely stated they were not staying together to avoid being hit by the Rs 4.5 lakh income limit for non-creamy status.

207 dares in the case, emphasising that Kapoor was not responsible for the delays. Section 436A of the Criminal Procedure Code allows the release of undertrial prisoners upon completion of half of the maximum jail sentence.

In the case of the Wadhwas, the judge, said the section does not provide an absolute right of bail and it may be denied where the trial is delayed because of the accused.

The judge said there cannot be any dispute that filing a bail plea is a constitutional right of any accused. The judge said when it was noticed that the accused kept the bail pleas under Sec 436A strategically pending, causing impediment in the progress of the trial of other under trial prisoners, co-accused Avinash Bhosale and Sanjay Chhabria, a noting was made in the daily court recordings about how the lawyer would simply appear and not pursue the pleas.



## Child porn case: Delhi HC turns PIL into revision petition

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New Delhi: Delhi High Court has used its suo motu powers to convert a PIL into a revision plea against a trial court judgment which had closed a case under the Pcsa Act against two men accused of watching and circulating child pornography.

The division bench comprising acting Chief Justice Manmohan and Justice Manmeet Pritam Singh Arora recently observed that though a PIL in criminal matters is not normally entertained, the order passed by the trial court suffered from "manifest illegalities" causing "miscarriage of justice".

In Sept 2023, the trial court discharged the accused for the offence punishable under Section 15(2) of the Protection of Children from Sexual Offences Act, 2012 holding that Section 15(2) of the Act cannot be invoked against the accused in absence

**The HC observed that though a PIL in criminal matters is not normally entertained, the order passed by the trial court suffered from 'manifest illegalities' causing 'miscarriage of justice'**

of the criteria to determine the children's age in the pornographic videos or photos. Two men were made accused in the case by the CBI after 73 videos involving child sexual abuse material were recovered from their devices.

They were chargesheeted under Section 67B (punishment for publishing or transmitting of material depicting children in sexually explicit act) of the Information Technology Act, Section 15(2) (possessing, propagating or displaying pornographic material in any form invol-

ving a child) of the Pcsa Act and 120B (criminal conspiracy) of the IPC.

The bench asked CBI whether it was planning to challenge the order. The CBI counsel replied in the negative and informed that the trial with respect to the offence under the IT Act is going on before the trial court. Following this, the bench, exercising its suo motu revisional jurisdiction, registered the PIL as a suo motu revision petition and issued notice to the two accused as to why the impugned order should not be set aside. Stating that the trial court ignored the principle that at the stage of framing of charge, the only requirement is whether there is sufficient material on record to presume that the accused have committed the crime, the bench said: "The statements of the two doctors constitute a prima facie view at this stage and the same are sufficient material at the stage of framing of charge for an offence under Section 15(2) of the Pcsa Act."

P4

P5

## Ex-IAS officer acquitted in rape case after 10 years

**Jaipur:** Ten years after former IAS officer B B Mohanty was accused of rape by an MBA student, a special metropolitan court for Pocso cases in Jaipur acquitted him on Wednesday.

The court held that the

prosecution could not prove the charges of rape beyond doubt, and agreed that she had willingly entered into a relationship with Mohanty. The court also noted that the woman filed the complaint almost a year after. TNN




P12

## Court Don't Contort

*Hindu majority is under no threat from conversions.  
HCs should know this basic data point*

Can an untruth told loud enough and often enough prevail over the truth? That this danger is very real today, is what is captured by the phrase 'post-truth world'. But in this very world, many institutions have been designated to fight on behalf of factuality. In the Indian setup, constitutional courts play a vital role in this fight. So, when their observations fly in the face of black and white data, or argue a subjective morality instead of objective precedents in case law, it is both disappointing and dangerous. Allahabad HC flying the bogey of Hindus being in danger of becoming a minority, falls squarely in this worrying category.

**TFR reality** | There is no arguing with India's fertility transition.



Overall TFR has already reached below replacement level, Muslims are recording a much faster fertility decline than Hindus, and the definitive convergence between the two means that Hindus' huge majority is impenetrable. Between 1992-93 and 2019-21, Muslim TFR dropped 2 points to 2.4 and Hindu TFR dropped 1.3 points to 2. Diving deeper, only the wilfully blind will miss that the real cause of

fertility diversity is not religion but region. Deeper still, Hindu TFR in Bihar (2.88) is higher than Muslim TFR in Karnataka (2.05), because it is really educational, social and economic backwardness that results in higher fertility.

**Judicial unreality** | There is also the issue of judges frequently hitting the headlines with oral observations that belong better in their personal living rooms, than in constitutional courts. Plus, HCs saying that EC "should be put up on murder charges" or that "a wife should be like goddess Sita", can influence lower courts very unpleasantly. Stereotypes and strife have promoters enough. Our courts should champion dispassion and reason.

P10

## LUI Tragedies

*Law (Enforcement) Under Influence: that's what tends to happen when rich/powerful drive drunk*

**W**eeks after the terrible Porsche accident in Pune, a BMW driven by an allegedly drunk son of a Shiv Sena senior has claimed a life in Mumbai. Unlike Pune police, Mumbai police has acted swiftly and made arrests. However, the prime accused remains at large. Cops must not let his VIP son status get in the way of nabbing him and fast-tracking investigations.

**Culture of impunity** | But similarities in such accidents are too glaring to be missed: young men from powerful or wealthy families driving high-powered cars under the influence, often with fatal consequences for innocents. For instance, May saw three other accidents involving luxury cars, besides the Pune one. That power, hard or soft, has a role to play here is evident from Bengaluru's example. Despite witnessing several such crashes involving influential drivers over the last decade, it has witnessed conviction in just one case.

The Motor Vehicles (Amendment) Act, 2019 introduced a steep hike in fines for drunk driving. The newly introduced BNS's Section 106 has raised the punishment for acts of negligence that lead to death – to five years' RI.

But who is going to ensure these laws' effective implementation?

**Lax enforcement** | As things stand, a bribe to cops on duty is often all it takes for drunk drivers to get away. And in case of a serious accident, there is an entire system that connives to protect the powerful and wealthy, as was made evident by the Pune episode. As many as 1,68,491 lives were lost due to road accidents in India in 2022. And, per official data, 1,503 of those were due to drunk driving. Our new rules and laws are still not stringent enough by first world standards. But, more important, it is their shoddy implementation that leads to road tragedies like the one in Mumbai.





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JUNE 9, 2024

P16

# Constitution: People have strong sense of ownership, and want to protect it

This election, there were several factors at play. Among them was the unlikely issue of the Constitution. In an email interview with Ketaki Desai, academics Rohit De and Ornit Shani, who have done extensive research on the subject and are co-authoring a book, 'Assembling India's Constitution: A New History of Constitution Making', say that the founding document is a continuous conversation rather than a static contract

■ Some see the Constitution as an 'elite' document that was gifted to the citizens of India. Is that myth your book seeks to bust?

Both champions and critics shared an assumption that the Constitution was given to Indians by benevolent political elites, and that the people not only were not involved, but had no understanding of what they were getting. However, ample evidence that we uncovered, both from hitherto unknown materials and materials that were hiding in the open, suggests that the Indian public engaged with the future Constitution and turned its making into a site of struggle. We show that the Constitution-making was infused with public engagement on a very large scale and generated a 'fever of constitutional expectations'. Indians read and debated the anticipated Constitution in a range of sites: princely states, darbars, trade unions, refugee camps, temples, mosques and churches, within classrooms, in courtrooms, within civic associations, in tribal villages in deep forests, and among the diaspora. They also shared their ideas and preferences with those in charge of drafting it.

Photo Credit: Yale University



established their own constitution-making body, drafted their own constitution, and held discussions in villages across the Khasi Hills.

Photo Credit: Iris Hasid



None of their demands were met in 1950, but they continued to agitate until they achieved the state of Meghalaya through a constitutional amendment in 1972.

■ This election, we have seen the Constitution spoken about a lot by the opposition. Why is that?

In the run-up to the elections, sections of the public were concerned about the possibility of drastic constitutional changes if the govt were to come back to office with an

overwhelming majority. Commentators, moreover, argued that the Constitution is an alien document; that it is not really the people's Constitution because it was framed in a language that was foreign to them, or because large parts (about two-thirds of it) reproduced the colonial Government of India Act, 1935. By evoking it during the elections, the public and opposition parties manifested the strong sense of ownership of the Constitution and the willingness to protect it. Our research shows the Indian public acted on the basis that it belonged to them at the time of its making. They repeatedly used the term 'our Constitution', and even made unauthorised translations of it into vernacular languages, and confronted judges and politicians with their own interpretation of it. While the scale of opposition led mobilisation around the Constitution in the election was remarkable, it builds on a long history of mobilisation by many groups including Dalit political parties, tribals, minorities, women's organisations etc.

■ Looking at the Constitution as a social contract, what assurances does it offer Indian citizens in terms of the rules of engagement with the republic?

We suggest that the Indian public turned the Constitution into more than a fixed social contract. It was never a static founding document promulgated by the Constituent Assembly in 1950, but a continuous conversation between the citizens and the state. The Constitution itself became the very rule of engagement. Thus, while both the Hindu Mahasabha and the Communist Party had been strong critics of the Constitution in 1950, the same year, president of the Hindu Mahasabha would defend Muslim communist detainees before the Supreme Court using the Constitution.

■ The last time we have seen such consistent mention of the Constitution was during the 2019-20 CAA-NRC protests. What does it represent in terms of people's movements?

The protests were perhaps the most visible and widespread struggles that invoked the Constitution, and particularly its Preamble. However, people's movements from the outset have drawn on the Constitution both to expand its meaning as well as to enforce it. Be it expanding the right to food through litigation and legislation, or more dramatically the Pathalgadi movement (in Jharkhand) carving the constitutional protection for tribal areas in the Fifth Schedule into the landscape.

■ Have we proved once again that the vote matters to the ordinary Indian?

During this election, despite the extreme heat, masses of people stood in lines waiting to cast their vote. The key to why the vote matters so much to Indians lies largely in its truly equalising power. My book ('How India Became Democratic') argues that because of the preparation of the electoral rolls on the basis of universal adult franchise in anticipation of the Constitution, Indians became voters before they were citizens. And that the institutionalisation of procedural equality for the purpose of authorising the govt in India's hierarchical and unequal society turned the idea of India's democracy and elections into a credible story for its people. This is why it is all the more important to protect the integrity of the electoral process.

■ Since then, did the everyday relevance of the Constitution, and invocations of it, wane?

No, in fact, even after it was made, people continued to mobilise around these aspirations and, in many cases, were successful in changing the text and/or constitutional meaning through their struggles. For example, at the time of Constitution-making, Khasis across the North-East demanded statehood. They es-

FOR THE  
RECORD



P6

## 3 given life term in Nirbhaya-like 2021 gang-rape case in UP

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**Bareilly:** A district court in Bareilly Monday sentenced three accused to life imprisonment for a brutal gang rape in May 2021, where a knife was inserted into the survivor's rectum, reports The survivor spent months in a hospital and underwent reconstructive surgery. Sonu Bhatia, Rajiv Kumar, and Monu Singh were arrested and jailed but later granted bail.

The case came to light when the survivor's daughter filed an FIR saying her mother had gone to meet a relative on May 23, 2021. Dr Anupama Katiyar, the doctor who treated the survivor, told the court, "She had injuries in

her private parts, and had lost enormous blood."

Additional district govt counsel Harendra Rathore described the crime's brutality, comparing it to Nirbhaya case. He said, "The accused sedated the woman and inserted a sharp object in her private parts. She nearly lost her life and had external injuries on various parts of her body. The doctors had to perform a sigmoidostomy to change the route of faeces. The survivor endured an excruciating process for a long time."

All the three accused were awarded life imprisonment and fined Rs 30,000 each. The survivor will receive Rs 75,000 from the fines as compensation.



P9

## HC orders probe against overstaying B'desh nat'l

**Kolkata:** Calcutta High Court on Thursday directed the State Security Control Organisation (SSCO) to investigate a criminal case against a Bangladesh national who overstayed in the state after his visa expired in 2016, reports **Subrata Chattoraj**. Petitioner Megha Dutta had filed a plea, seeking PMLA charges against accused Uma Shankar Agarwala.

The petitioner's counsel, Rajdeep Pramanik, submitted that the accused was part of a real estate group which had been pumping huge funds from Bangladesh into Agarwala's business in India. The counsel urged the division bench of Chief Justice T S Sivagnanam and Justice Hiranmay Bhattacharyya to include money laundering charges. The division bench noted that the report of the SSCO stated there was no evidence of money laundering. It directed the SSCO to investigate the matter and refer it to ED if the money laundering charge was prima facie established.

p6

## SC stays till July 15 HC order allowing Gawli's early release

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**Mumbai:** Supreme Court's vacation bench on Monday stayed till July 15 the remission and premature release from prison permitted by the Bombay HC to convicted gangster **Arun Gulab Gawli** and barred his exit from custody till then.

The SC bench of Justices Aravind Kumar and Sandeep Mehta issued a notice to Gawli, stating, "There shall be an interim stay of the impugned order, till the next date of hearing."

Gawli is serving a rigorous life imprisonment sentence after an Aug 2012 conviction for murder of Shiv Sena corporator Kamlakar Jamsandekar in 2007 as well in 2008 and 2009 special cases

under Maharashtra Control of Organised Crime Act. The life sentence is life till end of natural life, SC has held time and again. The state, however, has a remission policy in place for lifers.

The state had filed a special leave petition (SLP) seeking to challenge the

April 5 judgment of the Nagpur bench of Bombay HC that permitted the gangster's early release, citing a 2006 state policy for remission, called 'premature release policy'.

The state, represented by senior counsel Raja Thakare, said the high court order was "misconceived" as the law provides power to remit a sentence to the govt. SC had in a 1976 ruling said only govt possesses the sole discretion of granting remis-

sion to a convict and the state is, thus, arguing now that HC cannot compel govt to release a prisoner.

The high court, in its April order, had given the state four weeks to pass consequential orders for implementation of the remission.

The state's SLP said Gawli is a 'hardened criminal-turned-politician' convicted and sentenced to life imprisonment for his role in a crime syndicate case and has other pending cases against him, including some under the stringent MCOCA. It said the high court failed to consider the potential impact on society at large before permitting Gawli's release. SC vacation bench said since it's a matter of policy, it requires consideration and, thus, stayed implementation of the HC judgment.





P10

# Bar & Bench, And Economy: Please Run In Tandem

## A jammed and inefficient justice system is preventing India and Indians from performing to potential. Judges, lawyers, processes all need an upgrade. Here's how to do it

Sakate Khaitan

**I**ndia is the world's fifth-largest economy and over the next decades, it will see even more significant transformation. This has to be supported by a legal system that's up to the task.

What we have, instead, is a system that's slow and inefficient. As of Dec 2023, the 25 high courts had over 61L cases pending and the subordinate courts, more than 4.4cr. The challenge is that our large population can translate into a large caseload. So, only hard decisions and a radical approach can get the job done.

A legal system has two critical parts: the Bar and the Bench. Discussions on judicial reform often focus only on the Bench, neglecting lawyers. Both facets must be addressed.

**Increase bench strength** | Govt has created additional capacity and reduced court workloads through administrative tribunals (such as National Company Law Tribunal and tax tribunals) and forums like Lok Adalat. Additional capacity can be built by recruiting lawyers from the Bar on a temporary basis and promoting specialised tribunals.

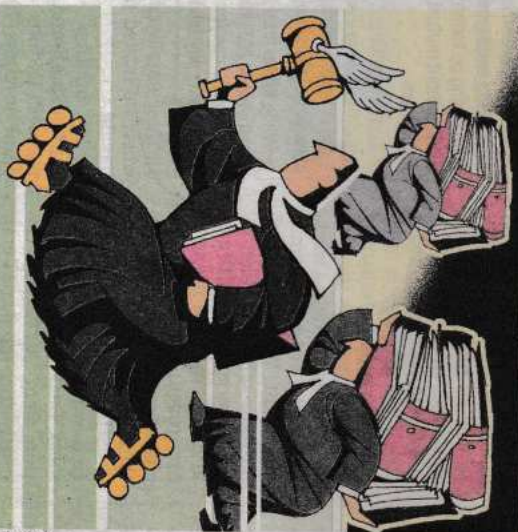
**Govt, litigate less** | The largest number of pending cases involve govt or govt-backed enterprises. Points of law already decided in previous cases keep getting re-litigated, as SC has also observed in a recent judgment. This wastes resources and increases costs. It will be transformative if govt departments initiate only necessary litigation, holding officers accountable and requiring a panel to evaluate the merits of litigation before it's initiated.

**Set firm timelines** | In UK, commercial matters include a process hearing where each side states the time and date for each stage. India should adopt a similar process. Here too, a process hearing at the start of a case should

set firm timelines for each stage. Not adhering to the agreed timeline should evoke significant costs for both litigants and lawyers. At the hearing, the court/tribunal should also assess whether the case really requires a lengthy trial. If not, decide matters on the basis of documents or oral arguments.

**Cover costs** | Costs of litigation need to be determined upfront, the numbers being real and significant. Courts and arbitral tribunal should make 'security for costs' a norm, with non-payment treated as contempt. On a preliminary assessment of the case, the court/tribunal must also decide if any of the parties needs to solely bear the 'security for costs'. In money recovery cases, granting interest at bank rates and on a compound basis, along with legal costs, should become standard practice.

**Discipline lawyers** | They are in urgent need of transparency and accountability. Because adjournments sought on personal grounds are the norm, fraud is stated as a matter of course, arguments pleaded when there is no ground for such pleading, and matters taken on even though there is no relevant experience. They need a strong disciplinary body that holds them accountable for any negligence, unethical practices, delay tactics, and bad behaviour in general. It needs to be staffed with independent and impartial members.



Ajit Ninan

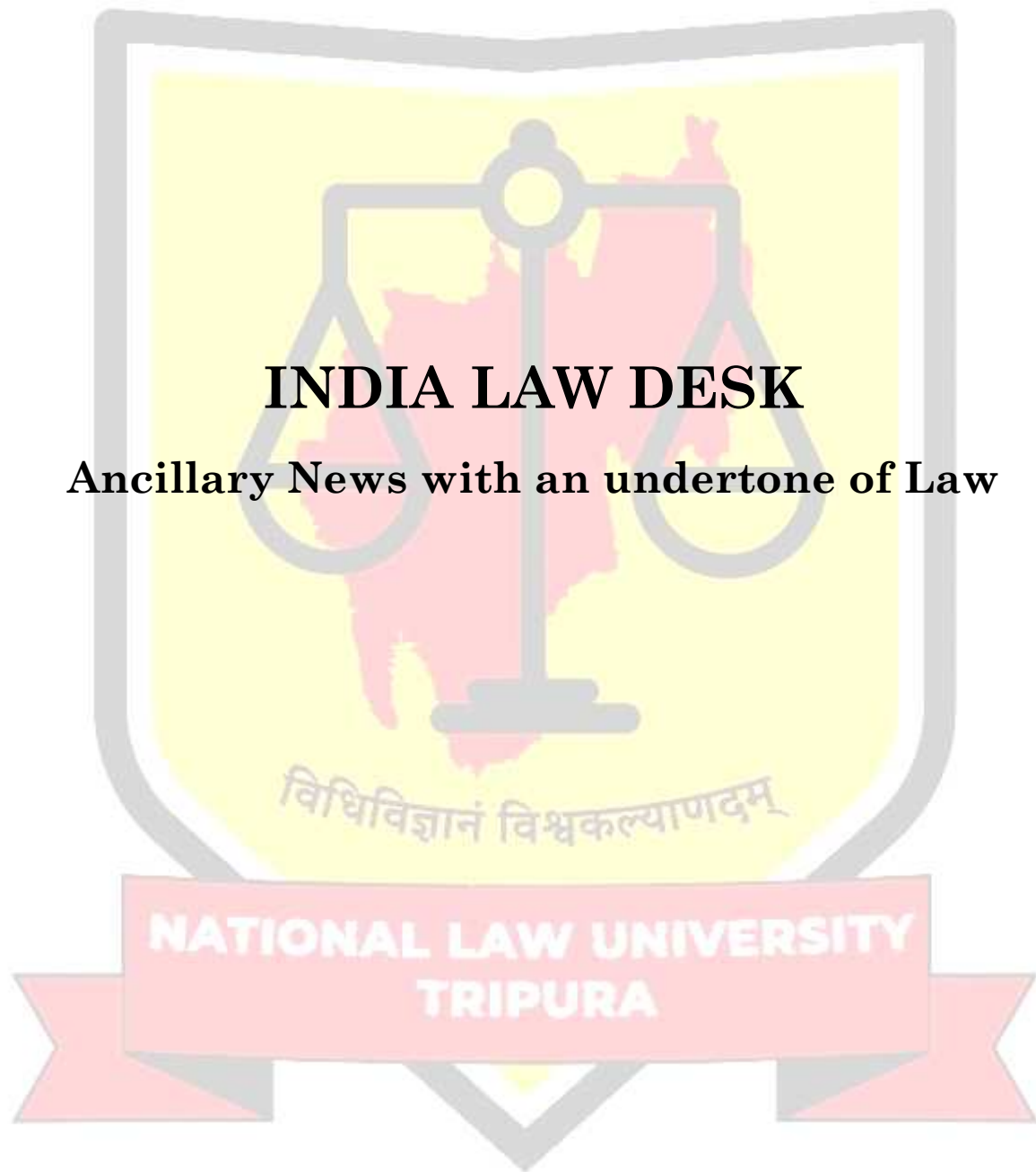
**Allow contingency fees** | In commercial matters, contingency fee arrangements should be allowed, to help financially weak parties pursue justice. But the same should not be allowed in personal matters - permitting this has created an 'ambulance chaser' dysfunction in US.

**Improve judge training** | Better case disposal also depends on better training for judges. Cases should also be assigned to them basis their training, subject matter knowledge, and experience. Currently, too many commercial matters are heard by judges with no relevant experience.

**Discourage frivolous litigation** | Establish a centralised registry of cases that enables a proper assessment of credit risk in dealing with counterparties. This transparency could discourage habitual litigants from unnecessary litigation.

**Ensure enforcement** | Create specialised tribunals for enforcement proceedings, which have to complete proceedings within six months. Ensuring contracts are enforced and legal rights are protected in a timely manner will both boost investor confidence and improve citizens' quality of life. India's judicial system is often criticised for its delays and inefficiencies. For the country to secure its place on the global stage, timely certainty in the rule of law is essential. Justice must not only be done but be seen to be done.

The writer is a lawyer



## **INDIA LAW DESK**

**Ancillary News with an undertone of Law**



## Seven Adani grp cos get Sebi show cause notices

**New Delhi:** Seven out of the 10 listed firms of Adani group have received show cause notices from the Securities and Exchange Board of India (Sebi) for alleged violation of related party transactions and non-compliance with listing regulations, the companies said in their regulatory filings to the stock exchanges.

While group's flagship Adani Enterprises, renewable energy firm Adani Green Energy (AGEL) and city gas distributor Adani Total Gas said Sebi sent notices of their parent or holding company controlled by conglomerate's chairman Gautam Adani, ports company Adani Ports & Special Economic Zone, Adani Power, electricity transmission firm Adani Energy Solutions, and commodities firm Adani Wilmar said they have received Sebi notices.

Making the disclosure as part of notes to their respective Jan-March quarter and 2023-24 financial results statements, all the firms in almost identical statements said there is no material non-compliance with applicable laws and regulations and no material consequential effect. However, auditors of the companies, except those for Adani Green Energy, Adani Total Gas and Adani Wilmar, issued a qualified opinion on the financial statements, implying that the outcome of the Sebi investigation may have a bearing on the financial statements in the future.

The conglomerate's cement companies ACC and Ambuja Cement said they have not received any notice



Alleged violation of related party transactions

from Sebi on the matter and there was no open matter relating to them and any non-compliance of applicable regulations. Its media unit NDTV did not say anything about receiving Sebi notices.

The Sebi notices are part of a probe that followed US short-seller Hindenburg Research making damning allegations of corporate fraud and stock price manipulation against the Adani Group in Jan 2023. Though Adani vehemently denied all allegations, the report triggered a stock rout that wiped out about \$150 billion of the group's market value at its lowest point.

Most of the group stocks have bounced back as the ports-to-energy conglomerate plotted a comeback strategy. A show cause notice is not an indictment and seeks an explanation from entities as to why legal action should not be taken against them.

AGEL in the filing on Friday said a short-seller's report (SSR) made certain allegations against some of the Adani Group companies. The matter went to the Supreme Court (SC), which observed that Sebi was investi-

gating the matter while also constituting an expert committee to investigate as well as suggest measures to strengthen existing laws and regulations. The expert committee in its May 6, 2023, report found "no regulatory failure in respect of applicable laws and regulations," AGEL said. "The Sebi also concluded its investigations in 22 of the 24 matters as per the status report dated Aug 25, 2023, to the SC."

On Jan 3, 2024, the SC disposed of all matters in various petitions, including those relating to separate independent investigations relating to the allegations in the SSR. Further, the SC directed Sebi to complete the pending two investigations, preferably within three months, and take its investigations (including 22 already completed) to their logical conclusion in accordance with the law.

"During the quarter ended March 31, 2024, the holding company has received a show cause notice from the Sebi relating to validity of Peer Review Certificate (PRC) of one of joint auditors in earlier financial years, which the holding company has responded to," it said. Adani Enterprises (AEL) on Thursday stated that it has received the notices from Sebi alleging non-compliance with provisions of the Listing Agreement and LODR Regulations pertaining to related party transactions in respect of certain transactions with third parties and validity of peer review certificates of statutory auditors with respect to earlier years. AGENCIES

## HC quashes ₹2.5cr notice to Haldwani riot 'mastermind'

**Dehradun:** Uttarakhand High Court on Friday quashed a recovery notice of Rs 2.5 crore served to Abdul Malik, the alleged mastermind of the violence in Haldwani's Banphoolpura area, reports **Pankul Sharma**. Malik is currently in jail. The notice sought compensation for the destruction caused during the unrest on Feb 8 as violence erupted in the Banphoolpura area when a team of local administration and municipal corporation officials launched an anti-encroachment operation, demolishing an "unauthorised" madrasa and a prayer place.

The structures were built on govt land that Malik had allegedly grabbed illegally. The district admin-

istration had estimated loss to public and private property due to violence at over Rs 2.6 crore. On Feb 12, the Haldwani municipal corporation issued a recovery notice to Abdul Malik for the damages incurred.

Subsequently, the tehsildar of Nainital, acting on behalf of the district administration, appended a 10% citation charge to the sum, escalating the total notice to over Rs 2.48 crore, which was delivered to Malik. Malik contested notice in HC, asserting that it "violated regulations" and that "he had not been convicted of any offence". Single-judge bench headed by Justice Manoj Kumar Tiwari nullified the recovery notice issued to Malik.

P9



MAY 31, 2024

P5

## Human trafficking case: NIA serves notice to Tripura homemaker

Biswendu Bhattacharjee | TNN

**Agartala:** As a part of the ongoing crack-down operation against a human trafficker's gang in Tripura, the National Investigation Agency (NIA) issued notice to 42-yr-old Sonia Aktar, a homemaker from Matinagar of West Tripura.

According to sources, NIA had asked her to appear before the branch office in Guwahati on May 28 but she had not turned up.

Sonia was summoned along with two others — Jalil Miah (53) and George Miah (69) of Belabar after NIA found them involved in cross-border crimes and a human trafficking network. "Jalil and George appeared before the NIA team on Tuesday. After a prolonged interrogation, Jalil was

**NIA with the support of BSF picked up as many as 29 border touts last year who were found active in a human trafficking gang and have been under NIA custody**

arrested. George was released on medical grounds," officials said here on Thursday. NIA with the support of BSF picked up as many as 29 border touts last year who were found active in a human trafficking gang and have been under NIA custody.

The traffickers have a network on both sides of the Indo-Bangladesh border, say NIA sources. The

gang is involved in the trafficking of Rohingya and underprivileged people from Bangladesh and bordering areas of Tripura, to other Indian cities and countries of the Middle East.

The gang is also involved in drug smuggling and making fake Indian documents and passports from Tripura, Bengal, Uttar Pradesh, and Maharashtra. As many as 33 persons had earlier been arrested in a related case, which NIA had taken over from Assam Special Task Force.

Meanwhile, Tripura Police launched an investigation into the drug smuggling network.

Initial probe suggests the smuggling racket operated from Myanmar had been using a route from Mizoram to Tripura.

P15

## India seeks arbitration with Oz on services trade

**New Delhi:** India has sought arbitration proceedings under the WTO rules against Australia to resolve an issue with regard to services sector, as it could impact New Delhi's trade in services, an official said.

The official said India has already communicated to the World Trade Organisation (WTO) regarding its request for arbitration on the issue.

On Nov 17, 2023, Australia notified to the secretariat of the WTO about its intention to modify its schedule of specific commitments under the GATS (General Agreement on Trade in Services) to incorporate additional commitments relating to services domestic regulation.

GATS is a WTO agreement that came into force in 1995. India is a member of the Geneva-based organisation since 1995. WTO is a global trade watchdog and adjudicates trade disputes among member nations.

As an "affected member", India has stated that Australia's intended modification of its specific commitments does not satisfy certain conditions, the official said.

"Thereafter... India and Australia entered into negotiations with a view to reaching an agreement. The period to conclude these negotiations was extended by mutual agreement until 19 April, 2024. However, no agreement could be reached. India, hereby, requests arbitration proceedings with Australia," the official said.

In Feb in Abu Dhabi, Over 70 WTO nations agree to take additional obligations under the General Agreement on Goods in Services (GATS) to ease non-goods trade among themselves and extend similar concessions to all other members of the WTO. AGENCIES



## Jailed Amritpal to fight as Ind from Khadoor Sahib, says his counsel

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**Bathinda/Amritsar:** Self-claimed Sikh preacher, separatist and "Waris Punjab De" chief **Amritpal Singh** has decided to contest the parliamentary elections from Khadoor Sahib Lok Sabha seat in Punjab as an Independent candidate.

His counsel, former MP Rajdev Singh Khalsa, made the announcement on Wednesday after meeting him in Dibrugarh jail, where he is lodged along with others under the Unlawful Activities Act and National Security Act. Rajdev Khalsa said, "On Wednesday, I had gone to



meet Amritpal where I made a request for him to contest parliamentary election from Khadoor Sahib constituency. He gave his consent to contest as an Independent candidate. Further formalities to file his nomination papers will be completed."

Amritpal was arrested on April 23, 2023 from a gurdwara at Rode, native village of Jarnail Singh Bhindranwale, the 14th head of Damdami Taksal and militant separatist who was killed in Operation Blue Star. Earlier, SAD (Amritsar) president Simranjit Singh Mann contested from Tarn Taran in 1989 while lodged in Bhagalpur jail.

P7

P2

## Rape accused's home bulldozed in MP's Guna

**Bhopal:** District administration in MP's Guna on Sunday razed the house — built on govt land — of a man who allegedly sexually assaulted his neighbour to pressure her into transferring her family's property into his name.

The woman, who lost sight in one eye and damaged the other, was on Saturday evening transferred from Guna District Hospital to Gwalior for surgery after she recorded testimony in court, police said.

She recounted a month-long ordeal of captivity and assault by Ayaan Pathan, who rubbed chili powder on her wounds and sealed her lips with adhesive to stifle her cries, police said. Pathan also hit her eyes with stones. However, she managed to escape on Thursday and staggered 5km through the night to reach Cantonment police station on Friday morning. Police arrested Pathan the same day. Officials found Pathan's one-room house in Nanakhedi area was built on a govt plot and several notices had been served on him. TNN



# 'Murder probe will depend on digital evidence, statements by witnesses'

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**Kolkata:** The state CID and Dhaka Metropolitan Police, which are investigating the murder of Bangladeshi MP Anwar Azim Anar, have matched the digital evidence accumulated so far. This includes CCTV footage, mobile calls and mobile location tracking.

Harun-or-Rashid, the chief of the detective branch of Dhaka Metropolitan Police, has asserted that the investi-

gation into Anar's murder will depend on "digital evidence and the statement of the witnesses", regardless of whether the slain MP's body parts are fully recovered or not.

Md Aamnullah Syed alias Shimul Bhuiyan, the prime suspect in the murder case, is already in custody and Bangladesh police have obtained a significant amount of information from him and Celesty Rahaman, the woman who

played a key role in getting Azim over to the flat in New Town where he was killed. The statements of the witnesses and the accused have been aligned with the digital evidence.

## B'DESH MP KILLING

CID investigators on Thursday said they have enough reasons to believe Md Siam Hossain from Bhola's Borhanuddin in Bangladesh handled the disposal of the MP's body parts. He is currently on the run and believed to be some-

where in Nepal. His father's colleagues and neighbours mentioned that Siam works at a software company in Dhaka with a good salary and frequently travels to India and Nepal for work. He has purchased a lot of land in Barisal, Borhanuddin, and Dhaka. "We will correlate the digital evidence with the witness statements and with the help of logical and jurisprudential discretion, we will proceed further," said Harun, who is leading the murder investigation.

P10

**TIMES**

## DKS claims animal sacrifice in Kerala to 'destroy' him

TIMES NEWS NETWORK

**Bengaluru:** Karnataka deputy CM **DK Shivakumar** has claimed that his "rivals" were performing yagnas and animal sacrifices at a Shiva shrine in Left-governed Kerala's Kannur to "destroy his political career" and that of his Congress colleague and CM Siddaramaiah.

Ministers in Kerala and authorities of the Rajarajeshwara Temple in Kannur's Thaliparamburesponded with dismay and scepticism to Shivakumar's accusations. Kerala CPM secretary MV Govindan said "Shivakumar is crazy" and accused him of "mocking" the state's culture.

Shivakumar made the al-



legations Thursday, saying his "political opponents in the state were performing a yagnas at Rajarajeshwara Temple", over 300km from Bengaluru. The shrine is named after 'Rajarajeshwaran' — an epithet of Lord Shiva — and is among 108 revered Shiva temples in Kerala. Asked if he suspected BJP or JDS,

Shivakumar claimed he knew the people behind it but refused to take names. "For this yagna, pancha bali (five kinds of sacrifices) has been given: 21 goats, three buffaloes, 21 black sheep, five pigs and three hens. Aghoris (a monastic order of Shaivite ascetics) have been approached. It is going on," Shivakumar had said.

On Friday, the temple authorities in Kerala ex-

pressed dismay at being embroiled in the row and insisted that no animal sacrifice is part of their rituals. "This is an ancient temple and one of the most popular in Kerala. We dismiss the allegations," the temple's administrative officer said.

Devaswom (temple endowment) minister K Radhakrishnan termed such occurrences "highly improbable" in Kerala while promising a probe into the claims.

Kerala higher education minister R Bindu dismissed Shivakumar's allegations as unfounded but appeared to insert a cautionary reference to regressive practices elsewhere. Adding to the chorus of rebuttals, CPM secretary Govindan asserted that Rajarajeshwara temple does not conduct "superstitious practices".



P1

### '93 Mum blasts convict beaten to death in jail

A 59-year-old convict in the 1993 Mumbai serial blasts case was thrashed to death Sunday in Kolhapur's Kalamba Central Jail by five inmates. Munna, whose known aliases included Mohammad Alikhan and Manojkumar Bhawarlal Gupta, was beaten with concrete and metal covers of a drainage chamber near the prison's bathing well at 7.55am.

Swati Sathe, DIG (Prisons), said the motive behind the attack was yet to be ascertained. But preliminary probe revealed long animosity between the attackers and Munna. Munna's attackers have been identified as Bablu, Pratik, Raturaj, Sourabh Vikas Sidh and Dipak Netaji Khot. They face various cases, including those under the stringent MCOCA. P4

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## **1993 Bombay blasts convict beaten to death in Kolhapur jail**

Abhijeet.Patil@timesgroup.com

**Kolhapur:** A 59-year-old convict in the 1993 Bombay serial blasts case was thrashed to death Sunday in Kolhapur's Kalamba Central Jail by five inmates. Munna — whose known aliases included Mohammad Alikhan and Manojkumar Bhawarlal Gupta — was beaten with concrete and metal covers of a drainage chamber near the prison's bathing well at 7.55am.

Swati Sathe, DIG (Prisons), said the motive behind the attack was yet to be ascertained. Preliminary investigations revealed long animosity between the attackers and Munna. "There are four Bombay blasts convicts in Kalamba. For their safety, we will separate them from regular inmates. If required, we will shift them to other prisons," Sathe said. Munna was brought to Kalamba jail in 2013. He had completed his original 14-year sentence but SC in 2007 enhanced his punishment to a life term. Munna had escorted prime accused Tiger Memon from Mumbai to Raigad for the landing of RDX and arms before the blasts on March 12, 1993, that killed over 250 people and injured over 1,400. Munna's attackers were Bablu, Pratik, Raturaj, Sourabh Vikas Sidh and Dipak Netaji Khot.



P-6

## Stepdad found guilty of killing actor, five relatives in '11

**Mumbai:** Thirteen years after actor **Laila Khan** and five of her family were killed and buried at their Igatpuri farmhouse, a sessions court on Thursday convicted her stepfather,



Parvez Tak, for the murders. Laila, whose original name was

Reshma Patel, was last seen in the 2008 movie 'Wafa: A Deadly Love Story' with Rajesh Khanna, reports **Rebecca Samervel**.

Judge Sachin Balvant Pawar is likely to pronounce the sentence on Tuesday. Maximum could be death, minimum life. Tak (48), a native of Kashmir, has been in jail since his arrest in 2012. Laila, her mother Selina, siblings Azmina, Imran and Zara, and niece Reshma went missing in Feb 2011. A missing persons' complaint was filed by Laila's own father, who was Selina's first husband.

Police said Tak suspected Selina of adultery. The chargesheet also said Tak killed the six out of anger as he was not given a share of the money the family had received from business deals with a Dubai-based man.

# Victim asked for necklace before Howrah stn murder

Rupak Banerjee | TNN

**Howrah:** The demand for an expensive gold necklace could have led to the daylight murder on a platform at the Howrah railway station's new complex on Wednesday afternoon.

Investigations into the killing of a 35-year-old Bongaon woman, Sonali Biswas alias Rwivu, by Maharashtra resident Mungesh Yadav have revealed that the woman had demanded a gold necklace worth several lakhs from the accused, with whom she had a romantic relation earlier.

The accused claimed Sonali and her husband, Pintu, had extorted Rs 10 lakh from him in two instalments earlier and had then made the necklace demand. The trio used to work in a hotel-cum-lodge in Mumbai.

On Thursday, Howrah City Police sources said the woman had been demanding a necklace from the accused and threatened to otherwise break up their extra-marital affair. Mungesh had arrived from Mumbai a few days ago and gone to the couple's house to discuss the matter. Poli-

The two children need counselling as they had witnessed their mother's gruesome murder

A police officer

ce have advised the victim's husband to take the two children for counselling as they had witnessed their mother's gruesome murder.

Pintu told police on Thursday that he, along with his wife, two children and the

## STABBED ON PLATFORM

accused, went to Nabadwip on Wednesday.

From there, they came to Howrah station to see off Yadav, who was to leave on Gitanjali Express.

Howrah City Police DC North Bishop Sarkar said, "After the murder, Pintu and others assaulted Yadav, fracturing his shin bone. He has been admitted to Howrah District Hospital. We will interrogate him after recovery. We are also concerned about the mental health of Sonali's two children, who watched their mother being killed."



## Bowbazar blast: Bomb-maker on life term appeals for release

Subrata Chattoraj | TNN

**Kolkata:** The Calcutta High Court on Monday stayed till June 24 the single bench order directing the West Bengal State Sentence Review Board (SSRB) to consider the release of life convict Md Khalid, the bomb-maker in the 1993 Bowbazar blast case in which 69 people were killed.

Six persons, including satta don Rashid Khan, were sentenced for life by the Calcutta High Court under the provisions of the Terrorist and Disruptive (Prevention) Act (TADA).



A file photo of Bowbazar blast accused Rashid Khan and others

The powerful blast had reduced an entire building on BB

Ganguly Street into rubble.

While Khan, along with four others, has been in jail for the past 31 years, one of the convicts was released under the provisions of the West Bengal Correctional Services Act after he turned blind. Chief Justice T S Sivagnanam held that getting a remission was not a fundamental right of the convict prisoner. The division bench wanted to examine all the aspects of the case, including what impact the proposed premature release of the convict would have on the community.

# Woman killed after BMW hits two-wheeler in Mumbai

**Law Equal For All,  
No One Will Be  
Spared: Maha CM**

**Mumbai:** A woman died after the two-wheeler on which she was travelling with her husband was hit by a BMW car in Mumbai's Worli area in the early hours of Sunday, a police official said. The woman, identified as Kaveri Nakhwa (45), was travelling with her husband Pradip on the arterial Annie Besant Road when the luxury car driver lost control around 5:30am, the Worli police station official said.

"Kaveri Nakhwa fell on the road. Passersby alerted police about the incident.



Cops inspect the damaged BMW at Worli police station in Mumbai

She was rushed to civic-run Nair Hospital where doctors declared her dead on arrival. Kaveri and her husband are fisherfolk and were on their

way home in Worli Koliwada from Sassoon Dock in Colaba," he said. The driver of the car, Rajesh Shah, and one more occupant identified as

Rajrishi Rajendrasingh Bidawat have been booked and detained, the Worli police station official said.

Speaking about the incident, Maharashtra CM Eknath Shinde said the law was equal for everyone and no one would be spared. Asked if the man involved in the Mumbai accident was a Shiv Sena leader's son, the CM just said: "The law is equal for all and govt sees every case in the same way. There will be no separate rule for this accident. Everything will be done as per the law."

"The police will not shield anyone. The Mumbai accident is unfortunate. I have spoken to the police department to take strict action," he added. PTI



# Crowd was poisoned, alleges Baba's lawyer

'Not Injuries, People Died Of Asphyxiation'

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Agra: The lawyer representing the self-styled godman Surajpal Singh alias Bhole Baba, in whose event at Hathras 121 people were killed during a stampede last Tuesday, has alleged that a 'conspiracy' was behind the tragedy and the melee was "sparked by some miscreants spreading poisonous substances in the crowd, resulting in several deaths by asphyxiation."

A P Singh, advocate for the godman, claimed that "more than a dozen individuals were seen throwing poisonous substances at the crowd", which caused panic and led to the catastrophe. Singh made these claims at a media briefing in Delhi on Sunday. Later, speaking to TOI, Singh said, "A few eyewitnesses have reached out to me anonymously and disclosed that there were 15-16 individuals carrying cans filled with poisonous substances. They opened these among the crowd. I have seen post-mortem reports of those killed, which showed that they died of asphyxiation and not because of injuries."

Addressing the press conference, Singh had



The site of the stampede in Hathras. The advocate urged police to seize CCTV footage from toll booths to track the miscreants' cars

termed the incident "a conspiracy against Bhole Baba." "The miscreants, dressed in half-pants and scarves, were seen running in the crowd, spraying the poisonous substance from the cans. Eyewitnesses said women were falling to the ground because of this. These individuals were seen fleeing and boarding cars soon after," he alleged.

He added, "I met some women in hospital after the incident, and they told me they saw unidentified men running in the crowd, spreading this spray. People fell to the ground, and others trampled over them. It was a pre-planned mass murder. The conspiracy was hatched to malign Baba, whose popularity among people has been rising."

Singh urged the police to seize CCTV footage from toll booths to identify the car registration numbers of

the miscreants. He also shared several documents showing the permission granted by the Hathras administration for the event.

Nine people, including the main accused — chief organiser Devprakash Madhukar — have been arrested in connection with the stampede so far. Officials said Madhukar was not only the organiser but also the fundraiser of the satsang, where more than 2.5 lakh people had gathered, three times above the permitted limit of 80,000. Bhole Baba was not mentioned as an accused in the FIR lodged at the local Sikandra Rau police station.

On Saturday, Hathras police had said they were also probing the suspected funding of the congregation by a political party and warned of the "strictest possible action" against it.

(With agency inputs)

P1

### Police hunt on, Bhole Baba releases video

In his first detailed response to the Hathras stampede at his satsang in which 121 people were killed, Surajpal Singh, also known as Bhole Baba, on Saturday said the "mischief-makers" and "anti-social elements" behind the tragedy would not be spared and urged followers to have faith in the administration. Singh has not been named in the FIR; seven organisers are already in custody. Even as police is searching for Singh, his lawyer confirmed cooperation with the investigation. The Narayan Sakar Hari trust would take care of the education, health and wedding expenses of the victims' families, the lawyer said.



P2

## Ragging death: JU to allow accused to defend themselves

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**Kolkata:** Jadavpur University will send show-cause notices to those accused in the ragging case in which a 1st-year student died last year. While ratifying the punishments recommended by the anti-ragging committee, the university's Executive Council that met on Friday decided to implement the recommendations after giving the accused an opportunity to defend themselves.

EC took a resolution after a meeting that present, ex-students and outsiders will be given an opportunity to "respond" to show-cause and if anyone seeks any available material including their deposition in any form, it will be provided by the authority as per law. Some students gheraoed EC members, including officiating VC Bhaskar Gupta till 3 am.

Sahudangi, Opp. Bank of Baroda Dr. Jalpaiguri, Siliguri-734106

8.5

81

## SIT chief: Hathras evidence suggests culpability of event organisers

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**Hathras:** Authorities investigating Tuesday's stampede at a 'satsang' in Hathras have recorded 90 statements, including those of the DM and SP as well as UP health department officers, who managed the situation following the tragedy.

Anupam Kulshrestha, ADG (Agra zone) and head of the SIT probing the stampede that claimed 121 lives, told PTI, "Evidence suggests culpability on the part of the event's organisers."

Late on Friday, the lawyer of main accused Devprakash Madhukar claimed that he had surrendered in Delhi and been taken into custody by UP police. Madhukar, the 'mukhya sevadar' of the satsang where the stampede occurred, is the only accused named in the FIR. Six other sevadars have been arrested and Kulshrestha said more arrests were likely.

► Conspiracy angle, P 10



## Conspiracy angle can't be ruled out, says SIT chief

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**Hathras:** Anupam Kulshrestha, ADG (Agra zone) and head of the SIT probing the Hathras stampede, said a possible "conspiracy angle" could not be ruled out.

Those involved in the probe are considering delving deeper into the angle. "More evidence has emerged from the statements (of 90 people recorded so far), and our investigation is strengthening," the IPS officer said. An overwhelming majority of the 121 victims — more than 100 — were women attending the 'satsang' of preacher Surajpal Singh, also known as 'Bhole Baba', in Phulrai village, Hathras. Devprakash Madhukar, the chief organiser, is the only named accused in the FIR so far; Surajpal is not mentioned.

Announcing Madhukar's surrender, his lawyer AP Singh said in a video message that he had been undergoing

**Announcing Madhukar's surrender, his lawyer AP Singh said in a video message that he had been undergoing medical treatment in Delhi**

medical treatment in Delhi. "We had promised we would not apply for anticipatory bail since we did no wrong. What is our crime? He is an engineer and a heart patient. Doctors said his condition is stable now and so we surrendered to join the probe," Singh said.

Inspector general (Aligarh range) Shalabh Mathur said, "We will make further arrests based on our findings... We will question the baba if necessary. It is too early to comment on his role. The organising committee took permission for the satsang, and members have been arrested."

They are tasked with completing the investigation within two months.

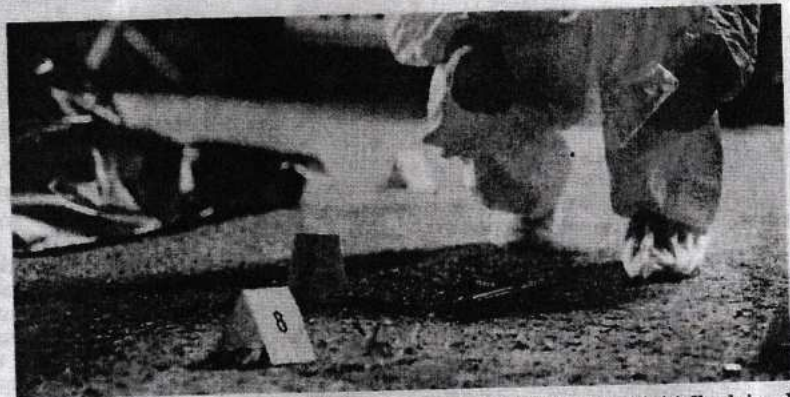


16

# TWO MURDERS THAT SHOOK UP 13 YEARS AGO

Pathikrit Chakraborty

**W**ith a special CBI court awarding on Tuesday a life term to Anand Prakash Tiwari for the murders of two chief medical officers (CMOs) in Lucknow 13 years ago, the spotlight is back on the NRHM scam which ultimately became one of the reasons for the fall of the then Mayawati-led BSP govt. The two CMOs had been shot while on morning walks by Tiwari and his men. Both murders were linked to the NRHM scam.



## THE SCAM

The UPA-1 government launched the National Rural Health Mission (NRHM) on April 12, 2005 to provide quality healthcare to the rural population. Rampant irregularities in its implementation were revealed when BSP was in govt in Uttar Pradesh between 2007 and 2012. According to the CBI, which is investigating on the Allahabad high court's orders, over Rs 5,700 crore disbursed to 72 chief medical officers (CMOs) in UP through the NRHM was siphoned off. The CAG report says that between April 2005 and March 2011 the State Health Mission, responsible for implementing NRHM schemes, "did not discharge its responsibilities adequately, resulting in Rs 5,754 crore going unaccounted for".

## TWO MURDERS THAT BLEW THE LID OFF THE SCAM

Two murders put the spotlight on the scam. On Oct 27, 2010 Lucknow CMO Dr Vinod Arya was shot dead by motorcycle-borne assailants in Lucknow. Six months later, on April 2, 2011, another CMO, Dr BP Singh, was killed in similar fashion in the city. The police subsequently arrested deputy CMO Dr YS Sachan in connection with Singh's murder. But on June 22, 2011 Sachan was found dead in mysterious circumstances in Lucknow jail. This led to a public outcry over alleged corruption in the NRHM. The then Mayawati govt

Allahabad high court which in Nov that year ordered a wider probe by the CBI.

## THE CBI PROBE

The CBI formed a special team which arrested the then family welfare minister, Babu Singh Kushwaha, and UP principal secretary (health and family welfare) Pradeep Shukla for alleged roles in the scam. It also raided more than 100 places across UP and questioned hundreds of people in connection with the scam. Many CMOs, along with about 40 govt doctors, were de-

tained, questioned, arrested and suspended. Owners of 200 firms supplying drugs, instruments and construction material too were questioned. The CBI has so far registered 74 cases and filed 65 chargesheets, according to sources. The CBI probe has been followed by investigations by the Enforcement Directorate which has registered a case under the Prevention of Money Laundering Act (PMLA) and attached properties of various accused, including Kushwaha.

## CURIOUS CASE OF DR SACHAN

On April 4, 2011 Lucknow deputy CMO Dr Sachan was arrested. Officers investigating the murders of the two CMOs began to suspect him in the course of their probe. Police claimed he had hatched a conspiracy to eliminate Dr Singh as he had ordered a probe against him. Dr Sachan was found dead in Lucknow jail on June 22,

pearance. The state govt initially claimed it was suicide but his family alleged foul play, suspecting he had been murdered to prevent him from exposing those who had "framed" him. A judicial inquiry by the Lucknow CJM concluded that it was homicide. The Allahabad HC then ordered the CBI to investigate Dr Sachan's death. In Sept 2012, the CBI filed a closure report saying it was suicide due to hanging, which was corroborated by opinion from AIIMS doctors. Despite protests by Dr Sachan's widow, Malti Sachan, and subsequent court orders for further investigation, the CBI filed another closure report in Aug 2017 stating there was no evidence of homicide. Malti Sachan persisted, filing a complaint in Nov 2019 that included testimonies and autopsy reports. A lower court rejected the closure report but the HC upheld it in 2023. However, the case remains unresolved.

## PHONE CALLS NAILED THE SHOOTER

A senior officer privy to the probe disclosed that Dr YS Sachan had hired two shooters, AP Tewari and Vinod Sharma, with the help of one RK Verma to eliminate Arya and Singh as they had started ordering probes in the NRHM scam. Police say Tiwari, after eliminating both CMOs, had made a phone call to RK Verma saying "Kaam Ho gaya (The job has been done)". Call detail record analysis proved that Tiwari had been at the crime scene. Forensic evidence also showed that the weapon recovered from Tiwari was used to shoot and kill the two CMOs.

TOI Explains



P1  
**Porsche: Doctor  
mooted blood  
sample switch**

The police team probing the May 19 Porsche Taycan crash has invoked the Prevention of Corruption Act against two doctors and a staffer of Sassoon General Hospital, claiming it was Ajay Taware who had suggested replacement of the minor driver's blood sample to his father. Taware, head of the forensic sciences department, was arrested on Monday along with Shrihari Holnur, casualty medical officer, and Atul Ghatkamble, a mortuary staffer.

JUNE 14, 2024

P10

## 26/11 accused to be quizzed to track down 'absconder'

Rebecca.Samervel@timesgroup.com

**Mumbai:** A special trial court on Monday granted permission to police to question arrested 26/11 Mumbai terror attack accused Abu Jundal while in custody, to help establish the identity of a key absconding accused. Jundal is the sole accused on trial in the case.

The Crime Branch sought permission to question Jundal about freshly acquired information received on the identification. Jundal has been in custody in the case since his arrest in 2012.

"Prosecution filed an application for permission to interrogate accused Sayyed Zabiuddin Sayyed Zakiuddin Ansari

alias Abu Jundal... Application is hereby allowed," special judge RN Rokade said.

The judge said that the Taloja Central Jail superintendent is to permit officers to confront Jundal with the information and to record statement, if any, in presence of jail authorities. The judge granted the permission from Tuesday till Saturday from 10am to 5pm.

The officers... are also permitted to carry laptop, digital device and other requisite stationery in jail, and authorities to make arrangement, the judge said.

In 2016, a special trial court convicted 12 persons, including Jundal, and sentenced them to life in the Aurangabad arms haul case. Jundal is suspected to

have been a handler of the 10 Pakistani terrorists involved in the attacks.

The supplementary chargesheet filed against him in Oct 2012 said Jundal had trained the 26/11 gunmen to contact Indian electronic media and mislead them. "When the 10 terrorists attacked the targeted sites in Mumbai, misleading messages were despatched to various news channels. The objective was to confuse investigating agencies and mislead public," the chargesheet said.

The crime branch said instructions and motivational inputs were provided to terrorists at Nariman House (Chabad House), and Oberoi Trident and Taj Mahal and the other handlers.



PS

## 8-day custody for Suraj Revanna in sexual assault case

**Bengaluru:** Former PMHD Deve Gowda's son and JD(S) MLC Suraj Revanna, who was arrested on charges of sexually abusing a 27-year-old male party worker, was Monday remanded in police custody for eight days.

Suraj was produced before the 42nd additional

chief metropolitan magistrate's court where CID officials investigating the case sought his custody for 14 days. The court, however, remanded Suraj in custody for eight days. Police sources said Suraj has been kept in the same room in CID headquarters where his younger

brother and former MP Prajwal Revanna was lodged till Monday afternoon. Prajwal, too, is in custody in a sexual assault case.

A senior police officer said deputy SP from the homicide and burglary wing, The probe is being supervised by Sudheer Kumar

Reddy CH, deputy inspector general of police, CID.

"We didn't question Suraj much on Monday as we brought him to CID office in the evening and some paperwork was still pending. The actual interrogation will start from Tuesday morning," police sources said. TNN

## Ads case: Ramdev, Balkrishna get 2nd summons in 25 days

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**Dehradun:** The court of Chief Judicial Magistrate Rahul Kumar Shrivastav in Haridwar on Friday issued summons, for the second time in 25 days, to yoga guru Ramdev and his associate Acharya Balkrishna, for failing to appear before court in a case registered by Ayush department related to misleading advertisements of Coronil drug.

The action followed an order by SC last month, which led to cancellation of 14 drugs manufactured by Patanjali. Court fixed the next hearing on June 7. The misleading advertisements included claims related to medicines for conditions such as high blood pressure, diabetes, goitre, glaucoma and high cholesterol, leading to the cancellation of their licences.

The case was filed by dis-

**The advertisements included claims related to medicines for high BP, diabetes, goitre, glaucoma and high cholesterol, leading to the cancellation of their licences**

trict Ayurvedic and Unani officer against Divya Pharmacy and Patanjali Ayurved Ltd on April 16. The court after a preliminary hearing, had ordered Ramdev and Acharya Balkrishna to appear on May 10.

Additional prosecution officer Devmani Pandey told **TOI** that fresh summons were issued to the duo, Ramdev and Acharya Balkrishna, along with the complaint copy. Notably, the apex court also reprimanded the state drug licensing authority for not taking any action against Patanjali.

P6



P9

## Activist Patkar found guilty in defame suit filed by Delhi LG

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**New Delhi:** A Delhi court convicted activist **Medha Patkar** on Friday in a defamation complaint lodged against her by **VK Saxena**, incumbent lieutenant governor of Delhi. Saxena had filed the defamation suit as president of the National Council of Civil Liberties against the veteran social activist for her defamatory press release against him in 2000.

She had also filed a case against Saxena for publishing advertisements against her and her organisation, Narmada Bachao Andolan. Saxena had filed two other cases against Patkar for making derogatory remarks



against him on TV and issuing a defamatory press statement against him.

Metropolitan magistrate Raghav Sharma said that reputation was "one of the most valuable assets a person can possess" because it affected both personal and professional relationships and could significantly impact an individual's standing in society. "Accused's statements, calling the complainant a coward, and alleging his involvement in hawala transactions were not only

defamatory per se but also crafted to incite negative perceptions," the court said.

The court convicted Patkar of criminal defamation under which she may be punished with a jail term of two years or fine or both. Arguments on the quantum of sentence will be heard on May 30. The court said the activist's accusation that Saxena had mortgaged people of Gujarat and their resources to foreign interests was a direct attack on his integrity and public service. The court noted that Saxena's testimony, demonstrated that Patkar's defamatory statements not only questioned his integrity but also falsely associated him with activities contrary to his public stance.

MAY 28, 2024

## Move over Jamtara & Mewat, 46% of cyber fraud here stems from SE Asia

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New Delhi: Jamtara and Mewat have been upstaged as hotspots of financial cyber fraud in India, with 46% of defrauded money now being lost to cybercrimes originating in southeast Asian countries such as Cambodia, Myanmar and Laos.

Organised cybercrime gangs, according to Indian Cyber Crime Coordination Centre (I4C) CEO Rajesh Kumar, are operating "corporate style" from hubs in these countries, hiring Indian job-seekers through illegal recruitment agents and then compelling them to defraud fellow citizens in India.

### CHINA CONNECTION?

➤ 6L+ complaints involving ₹7,061cr received on India's national cyber crime portal

➤ 3.2L mule accounts frozen in last 4 months & over 3k URLs and 595 apps blocked

➤ 5.3L SIM cards and over 80,000 IMEI numbers suspended since July 2023

➤ India doesn't rule out China's involvement in these scams as many Chinese people work in these hubs

I4C and state law enforcement agencies have cracked down on some of these illegal recruitment agents. The foreign ministry has so far facili-

tated the return of 360 Indians trapped in these cybercrime units, with 60 more due to return from Cambodia soon.

According to Kumar, Rs 1,420 crore was lost to 62,587 investment scams, Rs 222 crore to 20,043 trading scams, Rs 120 crore to 4,600 digital arrest scams and Rs 13 crore to 1,725 romance/dating scams, all originating from southeast Asia between Jan and April this year.

Last year, more than one lakh investment scams originating from the region were reported on Indian national cybercrime reporting portal and 10,000 FIRs registered.

➤ Over 6L complaints in 2024, P 5



## Over 6L cybercrime complaints involving ₹7kcr received in '24

► Continued from P 1

Not ruling out China's involvement in these scams, the I4C chief said a large number of Chinese people were known to work in these scam hubs and many of the suspected apps used for to defraud people are in Chinese language.

Amid an overall increase in big ticket frauds reported in 2024, with over six lakh complaints involving a total amount of Rs 7,061 crore received on the national cybercrime reporting portal, I4C has intervened to save Rs 812.7 crore from being defrauded. Collaboration between I4C and law enforcement agencies has helped debit-freeze 3.2 lakh mule accounts in last four months, get more than 3,000 URLs and 595 apps blocked under Information Technology Act and 5.3 lakh SIM cards and over 80,000 IMEI numbers suspended since July 2023. Also, there have been 3,401 cases of unlawful content being taken down from social media, websites in last two months.

Indians who are lured to southeast Asia's organised cybercrime factories with fake jobs advertised by illegal recruiters — detected in states like Andhra Pradesh, Tamil Nadu, Odisha and Delhi — are pushed into defrauding unsuspecting victims in In-

**TIMES VIEW:** Cyber criminals are innovative. They regularly come up with new methods to dupe the susceptible. The sharp rise in such foreign-based operations is further cause for concern. Cybercops must raise their game to catch such offenders. This is also a note of caution for all. A few basic rules of online behaviour must be followed. Be fully aware and awake when dealing with money on the phone and online. Think carefully before making payment decisions online. Avoid clicking on fishy links. Eschew easy passwords. Don't share an OTP number with someone you barely know. Staying vigilant is the only way to stay safe.

dia through social media advertisements and messaging promising quick financial gains on their investments or through gaming, where the cyber offenders pose as a law enforcement personnel; or romance/dating scams. "These gangs work in an organised manner, from scam compounds...many of them were linked to casino earlier," said Kumar.

The illicit gains from these cybercrime activities are laundered through sophisticated financial channels including Indian bank accounts, cryptocurrency transactions, etc, he added.

P3

## State can't reject resignations citing public interest: HC

**Kolkata:** Calcutta High Court on Friday ruled that the state cannot block a radio-diagnosis associate professor's resignation citing "public interest" for choosing to quit a state-run medical college and join IIT Kharagpur's multispecialty medical unit. The state had turned down the resignation plea of the senior medical academic, stating "in the greater interest of public service as there is acute shortage of vacancy under WBMS". The HC asked the state to accept the resignation within 24 hours.

Bengal advocate general Kishore Dutta had tried to argue in the HC that there is an acute shortage of associate professors (in state-run medical colleges). Dutta argued the refusal to accept the resignation "is to serve public interest, so as to maintain optimum level of medical education and service in the State Government".

A division bench of Justice Harish Tandon and Justice Madhuresh Prasad did

not agree with the state's logic. The HC said while it shares the state's anxiety, this "gives rise to a larger question as to who is responsible for accumulation of a large number of vacancies, where situation has become alarming". It also asked can the state deprive "its employee a chance of better career option to better his prospects in life".

The HC said it had come across four such pleas in the past (in which resignations were turned down by the state). And in all cases, the HC had said that it had held there is no provision in the service rules that allows the state "with an absolute discretion to reject a resignation or to compel an employee to remain in service, in spite of resignation having been submitted". "We thus record our disapproval with the manner in which such legally unsustainable grounds are repeatedly being taken by the State to refuse resignation of staff serving the WBMS..." the HC said. TNN



# 'Nearly 1/3rd staffers face age-related discrimination'

## Mostly Prevalent During Recruitment, And In MNCs: Study

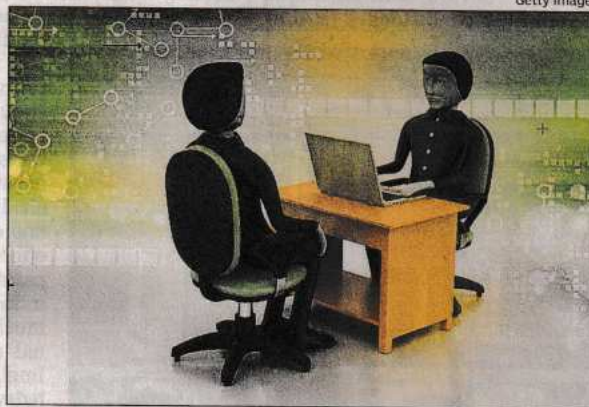
**Mumbai:** Overall 31% of employees in India have experienced age-related discriminations across sectors with the highest prevalence reported in multinational companies, a study said on Monday.

The 'Ageism in the Workplace' study by talent company Randstad India revealed that 31% of employees in India have experienced discriminations due to their age and such discriminations are mostly prevalent during recruitment process, especially in job advertisements of organisations.

About 61% respondents said job advertisements in India have age biases (qualifying age criteria or years of experience), it added.

In India around 42% of employees interviewed, aged below 55 years, have experienced or witnessed ageism or age related discriminations at their workplaces, compared to 29% aged above 55 years, said the study.

The data suggested that younger age groups faced more age discriminations than older age groups as there was a general lack of trust in the youngest age



Getty Images

**The data suggested that younger age groups faced more age discriminations than older age groups as there was a general lack of trust in the youngest age group's abilities and skills while the oldest age group experienced the privilege of age-based and seniority-based respect**

group's abilities and skills while the oldest age group experienced the privilege of age-based and seniority-based respect.

Surprisingly, 42% of women reported experiencing or witnessing ageism, compared to 37% of men, clearly a reflection of how ageism at work intersects with other dimensions of diversity, it added.

"Ageism is one of the most overlooked unconscious biases made at the workplace across levels. Overcoming ageism requires a conscious effort to recognise and challenge stereotypes to create an environment where experience and fresh perspectives are equally valued. By fostering an inclusive culture that embraces employees of all ages,

organisations can harness the full potential of their workforce, driving collaboration, innovation, and growth," Randstad India managing director and CEO Viswanath PS said.

The 'Ageism in the Workplace' study is based on qualitative survey including Focus Group Discussions (FGD) and individual interviews among Human Resource heads and C-suite executives across age groups, sectors and regions in India. It also included quantitative survey among 956 respondents across job levels, industries and locations.

The study further revealed that the sectors with the highest proportions of respondents who had experienced ageism were pharma, healthcare and life science (43%), business process outsourcing or IT-enabled services (43%), and construction, infrastructure, and real estate (41%).

Most employees from multinational corporations (MNCs) headquartered in India reported higher instances of ageism, with 41% affirming they faced age-related biases, the study said. AGENCIES

P4

## UN's gender advocate of the year award for Maj Radhika Sen

TIMES NEWS NETWORK

**New Delhi:** An Indian soldier, Naik Dhananjay Kumar Singh, will be posthumously honoured by the UN on Thursday, while Indian Army peacekeeper, Major **Radhika Sen**, will be given the 2023 Military Gender Advocate of the Year award.

Naik Singh, who laid down his life while serving with the UN Stabilisation Mission in the Democratic Republic of Congo (MONUSCO), will be among the 64 peacekeepers to be honoured posthumously with the Dag Hammarskjöld medal by UN secretary-general António Guterres at a ceremony in New York.



Guterres described Major Sen, who also served with MONUSCO from March 2023 to April 2024, as a "true leader and role model" whose service was a credit to the UN as a whole. Major Sen, who served as the commander of MONUSCO's engagement platoon for Indian Rapid Deployment Battalion, and her troops engaged with conflict-affected communities, including women and girls, in an escalating conflict environment in North Kivu.



P10

## School water tank collapses, kills 10-yr-old

**Balasore:** A 10-year-old boy, Narayan Tudu, died after the wall of a water tank collapsed on him at a private school in Padmapur village in Odisha's Balasore district on Friday morning, reports **Kishan Sahu**.

The boy, a Class IV student in Banchhanidhi English Medium School in Padmapur, stayed in the school hostel. Narayan had returned after the summer vacation on Sunday. He was rushed to the district headquarters hospital, where the doctors declared him dead. Police have registered a case. The Balasore collector has ordered an inquiry.

## Girl, 9, from Kerala grievously hurt in London shooting

A nine-year-old girl from Gothuruth in Kerala's Ernakulam was shot Wednesday in a drive-by shooting at a London restaurant.

Lissel Maria is reportedly fighting for life. She had been having dinner inside the restaurant with her family when, according to reports, the attacker on a motorbike opened

**Lissel Maria was having dinner inside the eatery with her family when an attacker on a motorbike opened fire on three men sitting outside the premises, injuring her**

fire on three men sitting outside the premises. "Lissel is the daughter of Ajeesh and Vinaya, who hails from Gothuruth. Her grandmother lives here," said Jomy Josy, Gothuruthu ward member of Chendamangalam panchayat.

"At 9.20 last night, on Kingsland High Street in Hackney, 3 men and a 9-year-old girl were

shot when a firearm was discharged from a motorbike," detective chief superintendent James Conway said in a video posted on X for Hackney Police. Conway added: "We do not believe that the girl and the men injured were known to each other. As with any child, she was an innocent victim of the indiscriminate nature of gun crime." TNN

P20



## Actor, retired judge names missing

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**Kolkata:** Actor Swastika Mukherjee and her sister, Aujopa, were taken aback when they discovered their names had been removed from the voters' list at a polling station in Golf Garden on Saturday. "It is very frustrating and ir-

ritating. My sister and I went to cast our votes at a girls' school in Golf Garden where we were told that our names were not on the voters' list. I have lost my voter's ID card but my sister has hers. We don't know how this happened," Mukherjee wrote in a Facebook post on Saturday.

In another instance,

retired justice Narayan Chandra Sil, who had gone to cast his vote at a booth in the Metropolitan area under Kolkata North parliamentary constituency, discovered that his name had been deleted from the voters' list. His neighbours protested and the retired judge was eventually allowed to vote.

P1

### After schools, IGI, Delhi hosps get bomb threats

Two dozen establishments in Delhi, including several hospitals, on Sunday received hoax emails about a bomb at their premises, promoting massive mobilisation of different units. A similar email was received at IGI airport too. Police carried out searches and sanitised all areas, but nothing suspicious was found. Two weeks ago, several schools had been sent such mails. Police suspect the same set of senders to be behind the latest threats.



P1

## Contract talks with France on Rafale buy for Navy to kick off this week

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**New Delhi:** India will kick off official contract negotiations with France this week for the mega acquisition of 26 Rafale-Marine fighters for over Rs 50,000 crore, with the Navy keen on inducting the supersonic jets for its two aircraft carriers as soon as possible due to the expanding Chinese threat in the Indian Ocean region.

A team of French govt officials, fighter-manufacturer Dassault and weapon systems integrator Thales, among others, is arriving on



Proposed deals for ₹30,000 crore were granted acceptance of necessity on July 13 last year

May 30 for talks with the Indian defence ministry's contract negotiation committee (CNC). This comes after MoD and Navy evaluated the letter of acceptance (LoA) submit-

ted by France in Dec in response to India's letter of request (LoR) for the acquisition of 22 single-seat jets and four twin-seat trainers, along with weapons, simulator, spares, crew training and logistics support.

"It took time to examine the voluminous LoA with its offer, technical specifications, costs and other details. The CNC is headed by an official from the MoD acquisitions wing and includes representatives from the Navy," an official said.

► **Desi fighter...** P 7

P2

## Pond fill-up: KMC to file FIR against cops if they fail to act

Saikat.Ray@timesofindia.com

**Kolkata:** If a local police station did not take any action on complaints by the KMC against the filling up of water bodies, the civic body would file an FIR against the officer-in-charge concerned at Lalbazar, mayor Firhad Hakim said on Saturday. He clarified that in case police failed to take action initially, the civic officials would lodge a second complaint but if cops did not act on it even the second time, KMC would go to Lalbazar.

On receiving a complaint from a citizen during the weekly interactive session of 'Talk to Mayor', Hakim said there were instances of police stations failing to take action despite complaints and FIRs lodged by the KMC on coming across illegal filling up of water bodies. "We need to conserve water bodies in the city. This is top priority. We cannot be lackadaisical in this matter. Our people will have to be more vigilant. But police have to be proactive as well. If we see that no action is taken despite a first FIR, we will file another FIR. If there is no action even after that, we will lodge an FIR against the OC of the police station at Lalbazar," Hakim said.

In the past 12-14 months, more



Land sharks often fill up ponds by dumping waste and debris in them

**We need to conserve water bodies in the city. This is top priority. We can't be lackadaisical. Our people will have to be more vigilant. But police have to be proactive as well**

**Firhad Hakim | KOLKATA MAYOR**

than 60 water bodies of varying sizes have reportedly been filled up in Behala to Joka, Tollygunge to Jadavpur and neighbourhoods off E M Bypass. Most of these ponds were reportedly filled up by land sharks, using construction debris and demolition waste. To prevent

the use of construction debris in filling up of water bodies, a recycling plant was opened in Rajarhat so that demolition waste could be transported there directly. But the plant has been lying idle for a year now. KMC has approached the traffic division of Kolkata Police to intercept trucks at check nakas and stop those ferrying construction waste. "Hakim had himself intercepted one such truck last Dec and asked police to seize the waste material that he suspected was being transported to fill up a water body in the Behala-Joka area," an official pointed out.

The KMC environment department has earmarked the Behala-Joka belt and some neighbourhoods off EM Bypass as 'red zones' in terms of illegal filling up of water bodies. Those areas apart, several stretches in Tollygunge to Jadavpur are also being monitored. An environment department official said, "We have sent notices to owners of water bodies and some builders, directing them to stop filling them up to protect the environment. We have lodged FIRs against such illegal activities across several KMC wards. We have also started reclaiming ponds that had been filled up with construction waste."



P11

## A Chinese shuttler, 17, collapses on court, dies

**Jakarta:** An "outstanding" 17-year-old Chinese badminton player died of cardiac arrest after collapsing on court during a tournament in Indonesia, officials said on Monday. Zhang Zhijie was suddenly taken ill during a match late Sunday against Japan's Kazuma Kawano at the Asia Junior Championships in Yogyakarta.

The score was 11-11 in the first game when Zhang fell to the floor between points. The teenager received treatment at the venue and was rushed to hospital by ambulance, but passed away later that night after repeated efforts to resuscitate him failed.

"Medical conclusions... indicated that the victim experienced sudden cardiac arrest," Broto Happy, spokesman for the Badminton Association of Indonesia (PBSI), told a press conference in Yogyakarta.

Zhang's parents were heading to the city to retrieve his body, he said. The spokesman defended the actions of medical staff and local organisers after footage showed what appeared to be a hesitant response to the teenager falling face down on the court. He said that medical teams had to wait for the referee to let them on the court. AGENCIES

P1

## CM lashes out at Siliguri civic body, dissolves SJDA

Roshan Gupta@timesgroup.com

**Siliguri:** Chief minister Mamata Banerjee on Monday lashed out at the Trinamool Congress-run civic body in Siliguri for the town's drinking water crisis and announced the dissolution of the Siliguri-Jalpaiguri Development Authority (SJDA) for its utter failure in taking up development work.

The moves found resonance among the township's citizens, with residents pointing to the prolonged scarcity in drinking water supply. Siliguri mayor Goutam Deb said he would follow the CM's directives. "I cannot comment on anything regarding the meeting chaired by CM Mamata Banerjee. We will only follow her directions. At present, there is no water problem in Siliguri. There was some disturbance due the flash flood in Sikkim last October. The river's embankment at Gajoldoba was damaged. But the problem



CM Mamata Banerjee speaks in Nabanna on Monday

has been resolved now and water supply has been restored," he said. He pointed to silt deposition in the Teesta during the floods but claimed the challenging situation had been overcome with the help of the public health engineering and irrigation departments.

Residents, however, refuted Deb claims and said the water scarcity persisted. "We have to fill buckets from the pipelines near drains. The water woes in Siliguri happens throughout the year. The problem intensifies

during summer as most wells go dry and we have to rely on taps. We are forced to buy packaged drinking water to meet daily requirements," said ward 46 resident Jordan Henry.

In Siliguri, water is drawn from the Teesta-Mahananda canal and carried to the treatment plant. The water is purified by the civic body. Water flows from Fulbari to around 16 overhead tanks and around four underground reservoirs at different places of the town through a network of pipelines, which are maintained by the PHE. From the reservoirs, another network of pipes carries water to all 47 wards. Ward 43 resident Ranjit Sahani said, "The water comes on time but there is no tap. Moreover, when a pipe leaks or bursts, there is an inordinate delay in repair that can range from days to months."

► Continued on P 4



► Continued from P 1

Mason Babu Sardar (44) from Hasnabad owned a horse but was forced to sell it during the lockdown. He intends to buy another from the Sonapur fair this Nov.

"Many horse owners belong to the low-income group who stake everything in the races hoping to make it big," said Baitul Tarafdar, an organiser of a horse race at Kandihati in Minakhan in North 24 Parganas. The races offer cash awards ranging from Rs 6,000 to Rs 15,000. The top race is in Joynagar, considered the derby among 50-odd races held in a season, offering a gold chain to the winner.

"To maintain a horse costs around Rs 300 per day and most of them have more than one horse in their village homes," said Habibul Mollah Mondal, a farmer, who also bought a four-year-old stallion from Sonapur which is this season's top-ranked horse and has won several races.

"Our forefathers were involved in this century's old rural sport and we are now carrying on their legacy although there are hardly any monetary returns," said Nur Islam Mollah (55), who has been involved in horse racing for two decades and is a fourth-generation horse owner.



(Above) The crowd at a race; (R) a race being held in Meenakhan

neration horse owner.

Mollah, who works as a head tailor of a leather wallet unit at his village in Dakshin Barasat,

To maintain a horse costs around Rs 300 per day and most of them have more than one horse in their village homes

**Habibul Mollah Mondal** | FARMER

bought a 3-year-old stallion for Rs 1.3 lakh from Sonapur fair. Around 165 horses are participating in various races this year. "Our horses can easily compete in terms of speed, even on this uneven surface and without horseshoes, compared to the country's famous racecourse horses," said Mollah, who has been to Kolkata's famous Royal Calcutta Turf Club several times to get a taste of the professional horse racing circuit.



JUNE 15, 2024

P4

THE TIMES OF INDIA, KOLKATA  
SATURDAY, JUNE 15, 2024

# Cop dos & don'ts after jewellery robbery spate

Dwaipayan Ghosh &  
Mayukh Sengupta | TNN

**Kolkata:** Install digital video recorder of CCTV cameras at secret spots, preferably with proper monitoring, display ornaments of light weight and install panic buttons: These are some of the advisory that Bengal Police have sent out to jewellery stores following the spate of armed robberies at such establishments across the state. In case of an attack, robbers should not be challenged nor any dangerous manoeuvre be made, warned cops. "Direct eye contact is taken as provocation," said an officer.

In the second such incident in two days, a jewellery shop in Domjur, Howrah, was looted on Tuesday.

Bengal Police, Kolkata Police and Bidhannagar Police have also issued lists of dos and don'ts for jewellers to prevent a repetition. The Bidhannagar Commissionerate even met around 75 representatives of banks, petrol pumps, jewellery stores and retail chains on Thursday at Baguiati, Bidhannagar North and Bidhannagar South police stations to thrash out the safety measures they should adopt.

"These gangs first destroy the DVR and the alarm system. The only time a DVR worked was when it was installed in another part of the



Biddhanagar cops held meetings with officials of banks, petrol pumps, jewellery stores and retail chains on safety steps

store, the one in Ranaghat. It helped police take immediate action. The biggest advantage of having the DVR elsewhere is that the alarm can be raised without the accused coming to know of it," said an ADG. "Dummy DVRs can be installed in full view, but not the real one," he said.

At Baguiati police station, senior airport division officers asked jewellery store owners to install CCTV cameras with night vision and to deploy armed security personnel. The Bidhannagar Police's 50-point list has been divided into basic steps. "The guards must be stationed at a point, from where they can keep an eye but outsiders can't reach them easily. Police numbers should be displayed in nearby buildings, too. Besides regular check of alarm devices, dispersal of unwanted persons and restriction on use of mo-

biles is a must," said an officer one of the meetings.

Police said ideally, walls and rooms of banks should be such that they can withstand hi-tech gas-cutters. The storage of CCTV footage should be in cloud and door chains should be used at any cost, said Bidhannagar cops.

The Kolkata Police's 12-point advisory comes with a request for regular security audits. The advisory includes installation of high-quality CCTV cameras inside and outside the shops. "CCTV output should be placed in a separate location, not in the store so that the men monitoring the output can alert police. Keep backup of CCTV footage in cloud based storage or/and at a secured and separate/hidden place so that if the local DVR is looted or damaged, the CCTV footage is still available," police said.



THE TIMES OF INDIA  
JUNE 10, 2024

P10

### Initiate insolvency against Himalayan Mineral Water: NCLT

**New Delhi:** The National Company Law Tribunal (NCLT) has directed initiating insolvency proceedings against Himalayan Mineral Waters, allowing Jammu & Kashmir Bank's plea for default of a corporate guarantee given for LeeL Electricals.

The Allahabad bench of NCLT has also appointed Bhoo-pesh Gupta as the interim resolution professional (IRP) for this Dehradun-based firm's Corporate Insolvency Resolution Process. Jammu & Kashmir Bank had claimed a default of Rs 50 crore against Himalayan Mineral Waters. AGENCIES

JUNE 12, 2024

P15

## Tribunals allow tax relief for donations part of CSR spend

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**Mumbai:** Delhi and Mumbai benches of ITAT recently allowed a deduction under section 80-G of the I-T Act to two corporate entities for donations made by them, even though such donations were part of their CSR expenses.

During assessment, I-T officials had denied the deduction on the ground that donations, which are part of CSR expenses, are not voluntary in nature but are a compliance to

be made under the Companies Act. Donations can only be voluntary in nature, was the stand taken by I-T officials.

Under section 135 of the Companies Act read with the rules, companies having a net worth of Rs 500 crore or more, or turnover of Rs 1,000 crore or more, or net profit of Rs 5 crore or more have to comply with the CSR provisions. These companies have to spend at least 2% of their average net profit for the immediately preceding three fiscals on

### Infant milk formula attracts 18% GST

**Mumbai:** GST-Authority for Advance Rulings (Rajasthan bench) has held that Bebymil was correctly levying and collecting GST at 18% against its infant milk formula products. These products, which had variations based on age, were sold under brand name of Momylac. The manufacturer approached the AAR as some competitors were charging GST only at 5%. The AAR held that Chapter 4 deals with milk products only. However, in the case of the applicant, milk was one of the constituents of Momylac. The product also contained cereals, protein supplements etc — the ingredients varied based on the infant's age. Thus, the manufacturer had correctly computed GST at a higher rate. Tax experts emphasise that classification norms need to become simpler. In past, Gujarat AAR bench has held lassi to be exempt from GST, but flavoured milk was held taxable at 12%. TNN

CSR activities. In the case of Alubound Dacs a deduction of Rs 15 lakh made under 80-G for donations to educational and charitable trusts during 2019-20, was denied during assessment.

The Delhi ITAT heard the case of Interglobe Technology Quotient, where during the financial year 2019-20, Rs 78 lakh was denied on the ground that the underlying expenditure was not in the nature of donation, but a mandatory CSR expense.



## HC stays land allotment for actor's Lake cricket camp

Subrata Chattoraj | TNN

**Kolkata:** The Calcutta High Court on Thursday stayed the allotment of 98 cottahs (nearly three acres) of land by the Kolkata Metropolitan Development Authority (KMDA) to an entertainment club in Rabindra Sarobar that enjoys the National Lake status.

A division bench of Chief Justice T S Sivagnanam and Justice Hiranmay Bhattacharyya directed the state and the private respondent, a celebrity actor who had won several matches in the celebrity cricket league, to file affidavits before the next hearing of the matter on July 25.

The division bench ordered that there should be no physical alteration of the area in question in the meantime.

"Public largesse can't be given away at the whims and fancies of the executive and there should be wide publicity given before taking such a decision, if at all," the Chief Justice said.

The KMDA had on March 12, 2024, issued an allotment letter to the club patronized by the actor for setting up a cricket coaching

centre for the underprivileged children.

The KMDA had let out the three-acre land at a monthly rent of Rs 8,311 and Rs 3,000 a year for setting up each cricket pitch on the Sarobar land let out to the club.

The petitioner opposing the govt decision submitted to the division bench that the land came

under the buffer zone of the National Lake Territory. The petitioner feared destruction of greenery, so close to Rabindra Sarobar.

Advocate general Kishore Datta submitted that there was no chopping of trees so far on the land. The advocate general also pointed out that vacant lands in the Sarobar area had earlier been let out for cricket and football coaching. Datta cited one such plot let out to Ashok Malhotra Cricket Academy.

The Chief Justice asked the advocate general whether an expression of interest from parties had been invited before letting out public land. The advocate general didn't reply.

The division bench noted in the interim order that "no procedure" had been followed before letting out public land.

**GREEN  
CONCERN**

THE TIMES OF INDIA  
JUNE 25, 2024

## Postpone new law codes: Tripura rights body

**Agartala:** Tripura Human Rights Organization (THRO) has demanded that Centre postpones the decision to introduce Bharatiya Nagarik Suraksha Sanhita, Bharatiya Nyaya Sanhita, and Bharatiya Sakshya Adhiniyam replacing IPC, CrPC and Indian Evidence Act from July 1.

THRO said that by introducing three

new criminal laws, Centre sought to unleash attacks on civil rights. The definition of sedition has been broadened and 'Police Raj' would be established in the country, the human rights body said. THRO also alleged that the criminal laws were introduced in haste without taking opinions of the larger civil society and lawmakers. TNN

p8



P15

# Got I-T notice? File your returns or face scrutiny

Lubna Kably  
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**Mumbai:** If a taxpayer does not file an income-tax return in response to an inquiry notice, the case will be picked up for scrutiny.

This notice — under section 142(1) — seeking information, is issued when a taxpayer has not filed the tax return or is issued to seek additional preliminary information regarding a particular detail — say bank interest or long-term capital gains/loss on sale of a property.

This guidance is part of a comprehensive set of guidelines issued recently by the Central Board of Direct Taxes for compulsory selection of I-T returns for the purpose of complete scrutiny. These guidelines, which are issued annually, pertain to the selection and complete scrutiny that is to be undertaken during the current financial year and cover survey cases, search and seizure cases, tax evasion cases, cases where no I-T return was filed in response to an inquiry notice.

It also covers cases relating to non-registration or cancellation of registration



TAX MAN IS WATCHING

under various sections — such as 12A/12AB relating to registration of charitable organisations to be eligible for tax benefit. In addition, if in an earlier year, an addition was made to the taxpayers' income on a recurring issue, then subject to monetary limits that have been laid down, the I-T return will be picked up under compulsory scrutiny guidelines. The guidelines also prescribe the role and responsibilities of the I-T officers and the National Faceless Assessment Centre.

Ketan Vajani, a chartered accountant, said there is no significant change in the criteria for compulsory scrutiny as compared to the present

position. "The guideline points out that all I-T returns filed during FY24, will have the outer time limit for issue of a notice by June 30, 2024. This is pursuant to the amendment carried out by Finance Act, 2021, which has reduced the time limit for service of notice under section 143(2) to three months from the end of the financial year in which the return is filed."

Complete scrutiny is a regular feature carried out in selective cases to ascertain whether the taxpayer has declared income correctly in the I-T returns and has paid the taxes due.

Complete scrutiny, which is to be carried out during the current financial year, covers cases of tax evasion, where specific information in this regard has been provided by any law enforcement agency — including the I-T department's own investigation wing and a I-T return has been filed by the taxpayer. Complete scrutiny will enable the I-T officer to know the income that has not been declared in the I-T returns (escaped assessment).

P4

## Meghalaya gets its first woman DGP

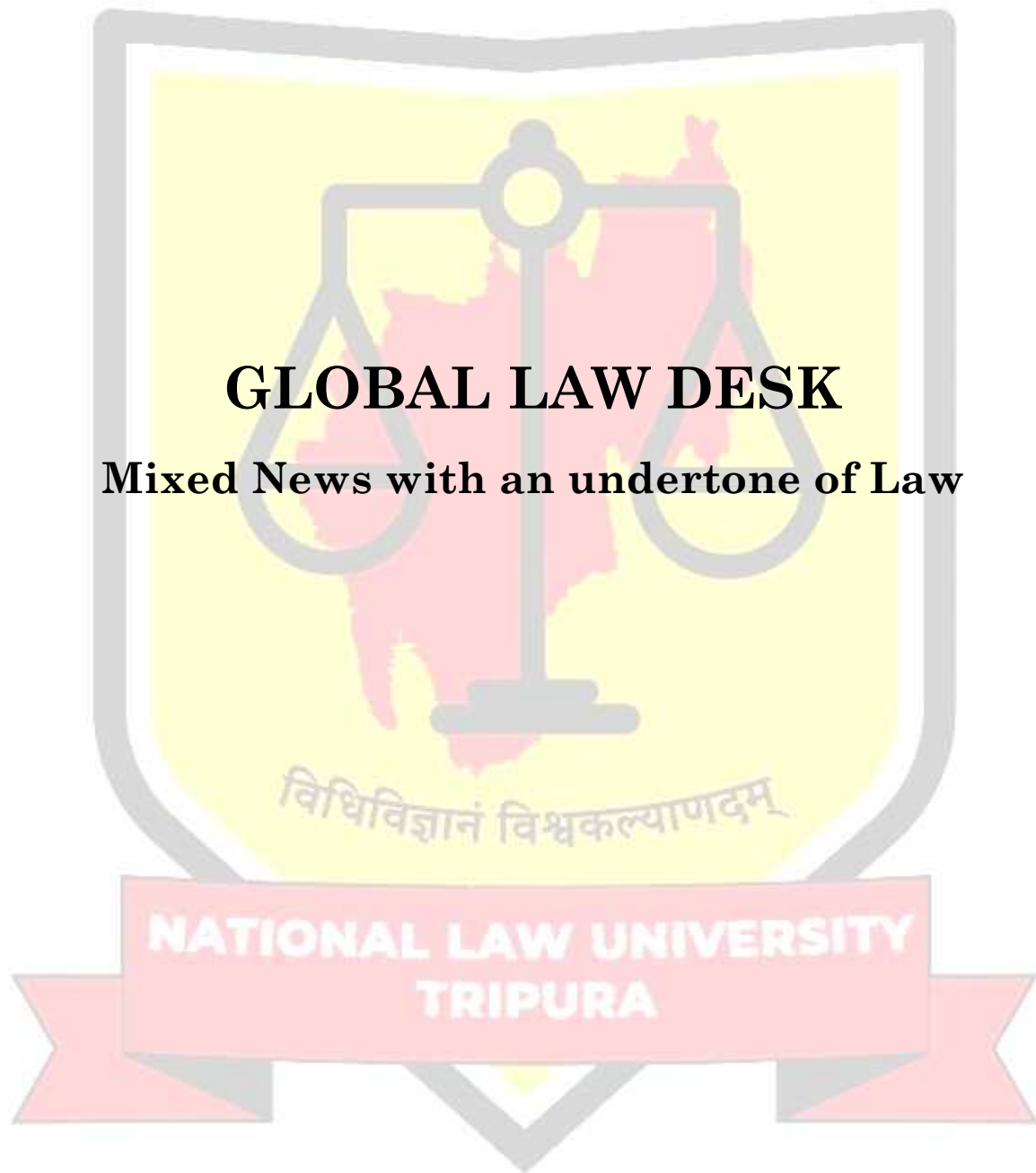
Manosh Das | TNN

**Shillong:** Meghalaya got its first woman police chief with the appointment of **Idashisha Nongrang** as the new director general of police on Saturday. She is set to take charge from May 20 after the present DGPLR Bishnoi retires on May 19.



"Breaking barriers and making history, she becomes the first tribal lady from our state to hold this position — a moment of immense pride for all of us," said CM Conrad K Sangma while congratulating Nongrang.





P8

## **Lawyer detained after slamming Iran crackdown on hijab protests**

**Dubai:** An outspoken Iranian lawyer who has publicly criticized how the govt handled the 2022 protests over the death of Mahsa Amini has been arrested, state media reported Sunday. The unrest followed the death of the 22-year-old detained by the police for allegedly not properly wearing her mandatory hijab. The judiciary's Mizan news agency said Sunday that Mohsen Borhani had been previously sentenced but did not give further details on his case or jail time. Borhani, also a university professor, became popular on social media for his critical views of the Iranian govt during the 2022 demonstrations that shook Iran. AP



MAY 30, 2024

### HK arrests six for sedition under new security law

**Hong Kong:** Hong Kong national security police arrested six people across the city on Tuesday under a new security law for alleged seditious intent, including a pro-democracy barrister already behind bars. Security secretary Chris Tang told reporters the six were suspected of using a Facebook page to "advocate hatred" against the govts in Hong Kong and China and against the judiciary.

He said one of those arrested was Chow Hang-tung, a prominent barrister and pro-democracy activist who has been detained since Sept 2021 at a maximum security prison. These were the first arrests under a new batch of national security laws that were passed by the city's pro-Beijing legislature in March despite global outcry. REUTERS

P8

## Hush money: Trump lawyer casts him a victim of blackmail as trial nears end



Outside the NYC court where Trump is standing trial, Robert De Niro called the ex-prez a dangerous 'clown' who will become a dictator for life if re-elected. 'When Trump ran in 2016, it was like a joke. We have a second chance, and no one is laughing now. This is the time to stop him,' he said

**New York:** Donald Trump's lawyer cast the former US prez as a victim of a porn star's blackmail and argued that prosecutors had failed to prove he covered up a hush money payment to her as Trump's criminal trial neared conclusion on Tuesday.

In closing argument, Trump lawyer Todd Blanche said Stormy Daniels had been trying to extort Trump by threatening to go public with her story of a sexual encounter as he battled a string of unflattering stories in the final weeks of the 2016 election. "She was trying to use the 2016 election as leverage to try and get paid," he told the 12 jurors who will decide whether Trump, 77, becomes first US prez to be convicted of a crime. The jury could begin deliberations as soon as Wednesday.

His lawyers have said he paid her off to protect his family from embarrassment, not to boost his campaign. Trump faces 34 felony counts of falsifying business records. REUTERS



MAY 29, 2024

110

# 45 die as Israel strikes camp in Rafah; Bibi admits to 'mistake'

## 12 Women, 8 Children Among Those Killed; Attack Sparks Global Ire

**Tel Aviv:** Israeli PM Benjamin Netanyahu acknowledged Monday that a "tragic mistake" had been made after an Israeli strike in the southern Gaza city of Rafah set fire to a tent camp housing displaced Palestinians and killed at least 45 people, according to local officials. Israel has faced surging international criticism over its war with Hamas, with even some of its closest allies, particularly the US, expressing outrage at civilian deaths. Israel insists it adheres to international law even as it faces scrutiny in the world's top courts, one of which last week demanded that it halt the offensive in Rafah.

Israel's military had earlier said that it launched an investigation into civilian deaths after it struck a Hamas installation and killed two senior militants. Sunday night's attack, which appeared to be one of the war's deadliest, pushed the overall Palestinian death toll in the war above 36,000, according to the Gaza health ministry, which does not distinguish between fighters and non-combatants in its tally.

"Despite our utmost efforts not to harm innocent civilians, last night, there was a tragic mistake," Netanyahu told Israel's parliament on Monday. "We are investigating the incident and will obtain a conclusion because this is our policy."

Mohammed Abuassa, who rushed to the scene in the northwestern neighbourhood of Tel al-Sultan, said rescuers "pulled out people who were in an unbearable state". "We pulled out children who were in pieces. We pulled out young and elderly people. The fire in the camp was unreal," he said. At least 45 people were killed, according to the Gaza health mi-



Palestinians at the attack-site camp housing displaced people in Rafah

### Egyptian guard killed in shooting on border

A member of Egypt's security forces was killed in a shooting incident near the Rafah border crossing between Egypt and the Gaza Strip and an investigation is under way, Egypt's military spokesman said Monday. Israel's military had earlier said it was investigating reports of an exchange of fire between Israeli and Egyptian soldiers. Israel seized control of the Rafah border crossing from the Gaza side of border earlier this month as it stepped up its military offensive in the area, drawing criticism from Egypt. **REUTERS**

### Houthi 'attack' 2 US destroyers, 3 ships

Yemen's Iran-backed Houthis said on Monday they launched attacks on three ships in the Indian Ocean and the Red Sea, and two US destroyers in the Red Sea. The group, which describes its attacks as acts of solidarity with Palestinians in Israel's war in Gaza, said the ships were the Larego Desert and the MSC Mechela in the Indian Ocean, and the Minerva Lisa in the Red Sea. It did not name the destroyers. There was no immediate confirmation from shipping companies or the US military of any attacks in those areas. **REUTERS**

nistry and the Palestinian Red Crescent rescue service. The ministry said the dead included at least 12 women, eight children and three older adults, with another three bodies burned beyond recognition.

Rafah, the southernmost Gaza city on the border with Egypt, had housed more than a million people — about half of Gaza's population — displaced from other parts of the territory. Hundreds of thousands are packed into squalid tent camps in and around the city. Netanyahu says Israel must destroy what he calls Hamas' last remaining battalions in Rafah.

The strike on Rafah brought a new wave of condemnation, even from some of Israel's close allies. "These operations must stop. There are no safe areas in Rafah for Palestinian civilians. I call for full respect for international law and an immediate ceasefire," French Prez Emmanuel Macron posted on X. Italian defence minister Guido Crosetto, in a TV interview, said such bombings are "spreading hatred, rooting hatred that will involve their children and grandchildren."

Qatar, a key mediator between Israel and Hamas in attempts to secure a cease-fire and the release of hostages held by Hamas, said the Rafah strike could "complicate" talks. Negotiations, which appear to be restarting, have faltered repeatedly over Hamas' demand for withdrawal of Israeli forces, terms Israeli leaders have publicly rejected. Neighbouring Egypt and Jordan also condemned the Rafah strike. Egypt's foreign ministry called it a "blatant violation of humanitarian international law." Jordan's foreign ministry called it a "war crime." **AP**

P7

## **Pannun case: Czech govt to decide on Gupta US extradition**

TIMES NEWS NETWORK

- **New Delhi:** Czech Republic is expected to soon decide whether it will extradite to US Indian national Nikhil Gupta, who has been indicted by US authorities for his role in the foiled attempt to assassinate Khalistan separatist Gurpatwant Singh Pannun.

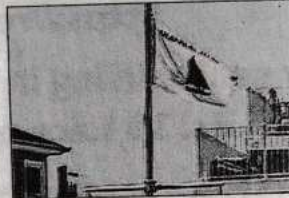


P10

## Flag row: Democrats renew calls for recusal of US SC judge

**Washington:** Democrats intensified calls on Thursday for US Supreme Court Justice Samuel Alito to step aside in two cases — one on Donald Trump's bid for immunity from prosecution and the other on a charge involving the Capitol attack — after a media report that another provocative flag flew outside a home of the jurist.

A flag bearing the phrase 'Appeal to Heaven' that was carried by some Trump supporters during the Jan 6, 2021, Capitol riot flew outside Alito's vacation home on Long Beach Island, New Jersey, in July and September



An 'Appeal to Heaven' flag outside judge Alito's New Jersey vacation home last summer

of 2023, the *New York Times* reported on Wednesday, citing photographs and interviews. The flag has come to symbolize hopes by some conservative activists for a more Christian-centred US government. REUTERS

## First in US: Abortion pill sans prescription a crime in Louisiana

Louisiana became the first state to make it a crime to possess the two main US abortion pills without a prescription, after a new law added mifepristone and misoprostol to the list of controlled substances like highly addictive narcotics.

Governor Jeff Landry, a Republican who opposes abortion access, said in a social-media post Friday that he'd signed the bill into law, just a day after the state Senate passed a bill by a 29 to 7 vote. The law goes into effect Oct 1. "Requiring an abortion inducing drug to be obtained with a prescription and criminalizing the use of an abortion drug on an unsuspecting mother is nothing short of common sense," Landry said in a post on X. "This bill protects women across Louisiana."

Louisiana, which has a near-total ban on terminating pregnancies, now classifies mifepristone and misoprostol the same way as drugs with the potential for addiction. Criminalizing possession of the non-addictive medications could trigger similar measures in other GOP-led states, where lawmakers



### A LOSING BATTLE

have expanded limits on access to abortion since the US Supreme Court overturned the Roe vs. Wade decision.

Mifepristone and misoprostol are the most commonly-used method of terminating a pregnancy in the US, accounting for 63% of abortions last year, according to the Guttmacher Institute.

Louisiana's maternal mortality rate exceeds the national average, ranking 47th out of 48 states between 2018 and 2021, according to the CDC. Other states with strict abortion laws also had high maternal mortality rates, including Mississippi, Georgia and Alabama. BLOOMBERG



P8

## US calls for rapid deployment to Haiti after killing of 2 missionaries

The murder of two US missionaries in Haiti this week by powerful gangs underscores the urgent need to deploy an international security force to the troubled Caribbean nation, the US department of state said.

Natalie and Davy Lloyd, a married missionary couple, were ambushed and killed Thursday night along with a third person as they left church. "Unfortunately, this serves as a reminder that the security situation in Haiti cannot wait — too many innocent lives are being lost," US department of state spokesman Matthew Miller said in a statement released late Friday.

Haiti's turmoil has escalated following the assassination of President Jovenel Moise in 2021, and gangs now control large parts of the capital. More than half the population are going hungry and more than 300,000 people have been forced from their homes due to violence. Last year, the UN authorized a Kenyan-led security force to intervene, but its deployment has faced delays due to logistical and financial challenges. BLOOMBERG

P10

## In a first, Andhra woman becomes US court judge

**Vijayawada:** Vijayawada native Jaya Badiga has been appointed judge of Sacramento county superior court in California, the first woman from Andhra to become a judge in the US, reports **Venu Lanka**.

Jaya is the daughter of industrialist and former Machilipatnam MP Badiga Ramakrishna. Earlier, she was commissioner in the Sacramento court. She graduated from Osmania University before relocating to US. There, she secured a Juris Doctor — a professional degree required to practise law — from Santa Clara University.

In 2009, Jaya triumphed in the California state bar exam to embark on a legal career that spanned over a decade in private practice. Jaya was among 18 new judges appointed in California.



## At a graduation event, Biden faces silent anti-war protest

**Atlanta:** US Prez Joe Biden renewed his call for a temporary ceasefire in Gaza in a speech at Morehouse College's graduation ceremony, where some participants donned Palestinian colours in protest at Israel's mi-



Taura Taylor, an assistant professor, stood with her fist raised and back turned to Biden during his speech. She also wore a keffiyeh scarf

litary incursion. Biden's address at the historically black school in Atlanta brought him face to face with some of the campus unrest set off by the Israel-Hamas war. "What's happening in Gaza and Israel is he-

art-breaking," Biden said Sunday, referring to the Oct. 7 attack on Israel by Hamas militants and the plight of "innocent Palestinians" caught up in Israel's military response.

Several students and faculty members at the commencement wore keffiyeh scarfs, which have become a symbol of protest against the war. At least one student draped a Palestinian flag over his graduation gown and a faculty member wore a stole with the Palestinian colours while receiving an award on the podium. Leading up to Biden, class valedictorian DeAngelo Fletcher called for "an immediate and permanent ceasefire" in Gaza during a passionate speech that evoked the late civil rights leader Martin Luther King Jr, a Morehouse alumnus. Biden didn't acknowledge the silent protests and told the ceremony it's his job to tackle "one of the hardest, most complicated problems in the world." **BLOOMBERG**

P8

# ICC prosecutor seeks arrest warrants for Bibi, his def min

## Top Three Hamas Members Also On List; A Panel Of Three Judges To Consider Evidence On War Crimes

**Jerusalem:** The chief prosecutor of the International Criminal Court said Monday he is seeking arrest warrants for Israeli PM Benjamin Netanyahu and top Hamas commanders over actions taken during their seven-month war.

Karim Khan said that he believes Netanyahu, his defence minister Yoav Gallant, and three Hamas members — Yehia Sinwar, Mohammed Deif and Ismail Haniyeh — are responsible for war crimes and crimes against humanity in the Gaza Strip and Israel.

A panel of three judges will consider the prosecutor's evidence and determine whether to issue the arrest warrants and allow a case to proceed.

Israel is not a member of the court, so even if the arrest warrants are issued, Netanyahu and Gallant do not face any immediate risk of prosecution. But Khan's announcement deepens Israel's isolation as it presses ahead in Gaza, and the threat of arrest could make it difficult for the Israeli officials to travel abroad. Israeli foreign minister Israel Katz said the chief prosecutor's decision to seek arrest warrants against Israel's politicians is "a historic disgrace that will be remembered forever".

The Hamas denounced the ICC prosecutor's request to seek the arrests of its members. In a statement, it accused the prosecutor of trying to "equat the victim with the executioner". It said it has the right to resist Israeli occupation, in-



Netanyahu and Yoav Gallant



Hamas' Yehia Sinwar, Ismail Haniyeh

### Absurd to compare Israel & Hamas: Bibi

Israeli PM Benjamin Netanyahu said that the decision of the ICC prosecutor on Monday to seek an arrest warrant against him was absurd and that the move was meant to target all of Israel. "I reject the disgust the comparison of the prosecutor in the Hague between democratic Israel and the mass murderers of Hamas," Netanyahu said. "With what audacity do you compare Hamas that murdered, burned, butchered, decapitated, raped and kidnapped our brothers and sisters and the IDF soldiers fighting a just war." REUTERS

cluding "armed resistance." Both Sinwar and Deif are believed to be hiding in Gaza as Israel tries to hunt them down. But Haniyeh, the supreme leader of the Islamic militant group, is based in Qatar and frequently travels across the region.

On Israeli actions, Khan said "the effects of the use of starvation as a method of warfare, together with other attacks and collective punishment against the civilian populati-

### Biden: ICC arrest bid outrageous

US Prez Biden on Monday slammed the ICC prosecutor's application for arrest warrants for senior Israeli officials including PM Benjamin Netanyahu, calling the move "outrageous". "There is no equivalence - none - between Israel and Hamas," he said in a statement. His secretary of state, Antony Blinken, also criticised the move, raising questions over the court's jurisdiction as well as its process in making this application. He added that it could jeopardize negotiations to achieve a hostage deal and a ceasefire. REUTERS

on of Gaza are acute, visible and widely known." Of Hamas' actions, Khan said he saw for himself "the devastating scenes" of the Oct 7 attacks.

The ICC was established in 2002. The UN General Assembly endorsed the ICC, but the court is independent. Dozens of countries don't accept the court's jurisdiction over war crimes, genocide and other crimes. They include Israel, the US, Russia and China. AP



MAY 10, 2024

### Hong Kong court bans protest song, calling it a 'weapon'

Hong Kong court Wednesday granted a govt request to ban a popular pro-democracy anthem, raising further concerns about free speech in the China-controlled city. The decision could give the govt power to force Google and other tech firms to restrict online access to the song in Hong Kong. At issue in the case is "Glory to Hong Kong", which emerged in 2019 as an unofficial anthem for democracy protests and a flashpoint for the authorities, who considered it an insult to China's national anthem. The song has been banned from schools and has drawn angry official rebukes when played, apparently by mistake, at international sports events. The court said the anthem was a "weapon" that could be used to undermine national security. It was the first time a song has been banned in the city since

Britain handed the territory back to Chinese rule in 1997.

### US rapper Macklemore releases 'Hind's Hall' in support of anti-war stir

US rapper Macklemore has released a song in support of Palestinians that also praises students across the US protesting against Israel's war in Gaza. "If students in tents posted on the lawn / Occupying the quad is really against the law / And a reason to call in the police and their squad / Where does genocide land in your definition, huh?" Macklemore raps in "Hind's Hall". The song is named after the building at Columbia University that students recently occupied and re-named after a six-year-old girl killed in Gaza. Macklemore admonishes the US govt, telling Prez Joe Biden "blood is on your hands". He also criticises the music industry for being "complicit in their platform of silence" while casting Drake and Kendrick Lamar's rap beef as trivial in light of actual war.

P10

P10

## After backlash, public drug use is back being a crime in Canada's British Columbia

**Ottawa:** Canada govt on Tuesday walked back part of a programme allowing people in British Columbia to possess small amounts of drugs, including heroin and cocaine, without fear of criminal charges. At the request of the province and after public and political backlash, people in the province are no longer permitted to use drugs in public places.

Under the changes, which went into effect immediately, adults will still be allowed to possess small amounts of drugs. But they will now have to use them in legal residences, at safe injection sites and at other harm reduction centres established by health authorities. The recriminalisation of public drug use in British Columbia underscores the difficulties that govts face as they grapple with the opioid crisis.



Photo for representation  
A province that was a global pioneer in harm reduction took a step back after political backlash

Even in a province that has been a global pioneer of the harm reduction movement, an approach that seeks to reduce risky behaviour rather than to punish drug users, there are no easy answers. The province's coroner estimated that there were a record 2,511 toxic drug deaths last year. The goals of decriminalising possession were to enable police officers to focus their time on large drug distributors rather than users and encourage users to be open to treatment. **AP**



MAY 10, 2024

P10

### Pak court orders transfer of Imran's wife to same jail

**Islamabad:** The wife of former Pakistan PM Imran Khan was moved Wednesday from house arrest to the same jail as her husband, lawyers said, where the pair will serve matching prison terms for illegal marriage. Bushra Bibi, 49, and Khan, 71, have both been convicted of corruption and breaking Islamic marriage laws in the lead up to Feb's general election.

"She has already been shifted to a female ward of the jail on her own request," Intazar Hussain Panjutha, a lawyer for Khan's PTI party, told AFP.

She had been held at the home she shared with Khan — declared a sub-jail — on the outskirts of the capital for the past three months. Khan is also serving a concurrent 10-year term for leaking state secrets. She had made repeated requests to be "treated as a commoner" and taken to the prison, a spokesman for the party said. PTI

MAY 10, 2024

P10

## In fresh blow for Sunak, another Tory lawmaker defects to Labour

**London:** British PM Rishi Sunak was accused Wednesday of leading a "chaotic" govt as another one of his Conservative lawmakers defected to the main opposition Labour Party ahead of a looming general election.

In a stunning move just ahead of weekly prime minister's questions, Natalie Elphicke crossed the floor of the House of Commons to join the ranks of Keir Starmer's Labour Party, which appears headed for power after 14 years. "We need to move on from the broken promises of Rishi Sunak's tired and chaotic govt," said Elphicke, who represents the constituency of Dover in southern England which is at the front-line of migrant crossings from France. "Under Rishi Sunak, the Conservatives have become a byword for incompetence and division." Elphicke is the second Conservative lawmaker to defect to Labour in two weeks after Dan Poulter quit in anger over the govt's handling of the National Health Service.

The defection of Elphicke is particularly surprising as she was widely considered to be on the right of the Conservative Party and has been hugely critical of Labour in the past. But she has recently been increasingly disapproving of the govt's approach to migrant crossings. "From small boats to biosecurity, Rishi Sunak's govt is failing to keep our borders safe and secure," she said. REUTERS



P8

## Judge at US SC dismisses lavish gifts reports as lies

US Supreme Court Justice Clarence Thomas, who has found himself under scrutiny over his judicial decisions and accepting lavish gifts from a billionaire Republican, is dismissing the criticism as "nastiness" and "lies," according to US media.

"There's certainly been a lot of negativity in our lives, my wife and I, over the last few years, but we choose not to focus on it," the *New York Times* quoted Thomas as saying Friday at a judicial conference in the southern US state of Alabama.

Staunch conservative Thomas, the longest-serving justice on the court, has been embroiled in controversy since it emerged last year that he had gone on a trip paid for by Republican donor and real estate tycoon Harlan Crow. The justice has also faced calls to recuse himself from cases related to the 2020 election because of his wife's involvement with efforts to block Joe Biden's victory. AFP

## Nijjar killing: Canada arrests 4th Indian, charges 22-yr-old with first-degree murder

TNN & AGENCIES

**New Delhi:** Canada arrested a fourth Indian national on Saturday for the killing of Khalistan separatist Hardeep Singh Nijjar. Three other Indians were arrested earlier this month.

Like those arrested earlier, Amandeep Singh, 22, a resident of Brampton (Surrey) and Abbotsford areas of Canada, has been charged with first-degree murder and conspiracy to commit murder.

Indian govt sources maintained that while Canada has informed Delhi of the arrests, no information has been shared yet by it to link

### 'SUFFICIENT INFO'

> The arrested man, **Amandeep Singh**, is a resident of Brampton & Abbotsford areas

> Govt sources say **Canada still to share info linking Nijjar killing to Indian officials**

> **There's evidence & sufficient info to charge Singh with murder & conspiracy, says Canada's IHIT**



the killing with any Indian official. Centre had said last week that there had been no "formal diplomatic communication" on the arrests.

The Integrated Homicide Investigation Team of the Royal Canadian Mounted Po-

lice said Singh was arrested on May 11 for his role in Nijjar's killing. He was already in the custody of the Peel regional police for unrelated firearms charges, a release said. "This arrest shows the nature of our ongoing investigation to hold responsible those that played a role in the homicide of Hardeep Singh Nijjar," said superintendent Mandeep Mooker, IHIT officer-in-charge. "IHIT pursued the evidence and gained sufficient information for the British Columbia prosecution service to charge Amandeep Singh with first-degree murder and conspiracy to commit murder," the police

statement said. No further details of the arrest can be released due to ongoing investigations and court processes, it said. IHIT investigators on May 3 arrested three Indian nationals -- Karan Brar (22), Kamalpreet Singh (22) and 28-year-old Karanpreet Singh -- for the murder of Nijjar. All three live in Edmonton and have been charged with first-degree murder and conspiracy to commit murder.

Ties between India and Canada have come under severe strain following PM Justin Trudeau's allegations last Sept of the "potential" involvement of Indian agents in the killing of Nijjar.



P13

## Canada arrests and charges another PIO for airport gold heist

**Ottawa:** A 36-year-old Indian-origin man has been arrested in Canada in connection with a multimillion-dollar gold heist at Toronto's Pearson International Airport, almost a month after the arrest of five others involved in the theft — the biggest in the country's history.

On April 17, 2023, an air cargo container carrying more than 22 million Canadian dollars worth of gold bars and foreign currency was stolen from a secure storage facility using fake paperwork, Peels regional police said. The gold and currency had arrived on an Air Canada flight from Zurich, Switzerland, in Toronto.

On May 6, 2024, investigators arrested and charged Archit Grover at the airport in Toronto as he flew in from India, according to the police. The police had issued a Canada-wide warrant for his arrest earlier. He is charged with theft of over CAD 5,000 and conspiracy to commit an indictable offence, police said on Thursday. Grover was held for a bail hearing and attended the Ontario Court of Justice in Brampton. He is also being indicted in the US for firearm-related charges.

Last month, two persons of Indian origin — Parmpal Sidhu, 54, and Amit Jalota, 40 — both from Ontario, were arrested in connection with the case along with Ammad Chaudhary, 43, Ali Raza, 37, and Prasath Paramalingam, 35. Besides, Canada-wide warrants were issued for Simran Preet Panesar, 31, from Brampton, who was also an Air Canada employee at the time of the theft and Arsalan Chaudhary, 42, from Mississauga, the statement said. P11

MAY 29, 2024

## Cambodia-Laos job racket: NIA arrests 5

**New Delhi:** NIA, as part of a multi-state crackdown on organised trafficking syndicates engaged in luring Indian youths with false promises of jobs in Cambodia, Laos and Golden Triangle SEZ, and forcing them to work in cyber fraud centres there, arrested five persons on Monday after raiding 15

locations across seven states and Union territories (UTs).

Eight FIRs were registered and five accused — Manish Hingu of Vadodara, Pahlad Singh of Gopalganj, Nabialam Ray of Delhi, Balwant Kataria of Gurgaon, and Sartaj Singh of Chandigarh — arrested.

The searches led to sei-

zure of several incriminating materials.

Youths lured with false promises were being forced to work in fake call centres where they were coerced into undertaking illegal activities, like credit card fraud, investments in crypto using fake applications, honey trapping etc. TNN



MAY 29, 2024

p3

# Murder talking point in 'Mini Bangladesh'

**Zeeshan Jawed**  
@timesgroup.com

**Kolkata:** The news of the gruesome murder of Bangladeshi MP Anwarul Azim Anar has become a talking point in the "mini Bangladesh" of New Market-Sunder Street-Free School Street area which is frequented by thousands of Bangladeshis for tourism and healthcare.

The details that have emerged have terrified both the tourists and establishment owners in the area who depend heavily on the visitors from the neighbouring countries for their livelihood.

The number of tourists arriving in Kolkata has de-



Biplab Bhattacharjee

Marquis Street is full of hotels frequented by Bangladeshis

creased in the past few weeks due to the general elections.

"The news and the accompanying details are very disturbing. We have been coming to Kolkata for the past 12 years but never has anything like this happened before.

re," said Kamal Raza Neel, who has been visiting Kolkata for more than a decade for treatment and tourism at a city hospital.

The incident is on WhatsApp chats of Bangladeshi nationals. "My relatives ha-

The news and the accompanying details are very disturbing.

We have been coming to Kolkata for the past 12 years but never has anything like this happened before

**Kamal Raza Neel | TOURIST**

ve been forwarding all the details and updates about the incident to me. The entire episode is very unsettling," said another resident of Bangladesh who arrived earlier this week.

"Mini Bangladesh" has several hundred hotels which cater to visitors from Bangladesh. In several cases visitors have been staying at the same hotels during all their visits.

"Many guests have been staying with us for years as they have developed a comfort factor. But we have been very cautious about all the official paperwork which is required by our local agencies. We are extra cautious in cases of new guests. The entire hotel is under CCTV surveillance and we keep a track if any stranger steps inside the hotel," said Sweetly Singh, owner of Central Kolkata Guest House on Mirza Ghalib Street.

98

## POK poet missing after criticising Pak military in police custody

Omer Farooq Khan | TNN

**Islamabad:** A poet-journalist from Pakistan-occupied Kashmir reported missing within days of publicly criticising the powerful military was revealed to be in police custody on Wednesday after Islamabad HC summoned law minister Azam Nazeer Tarar along with the sector commanders of ISI and military intelligence, and the defence and interior ministry secretaries to a hearing. Ahmed Farhad Shah's wife

Syeda Urooj Zainab said in a petition to the court that her husband had been "under pressure from govt agencies" for months due to his perceived support for incarcerated former PM Imran Khan's PTI. She alleged that the 38-year-old, whose roots are in POK's Bagh district, was abducted by ISI from their home in Rawalpindi on May 15 for his anti-establishment stand.

**'4 Pak nationals die in Balochistan by Iran firing'**  
At least four Pakistani citizens were killed and two others injured when Iranian forces opened unprovoked firing on a vehicle in a border town of Pakistan's restive Balochistan province, according to authorities. The incident took place late on Tuesday in Tehsil Mashkili Bacha Rai, a source said. The source from the provincial paramilitary forces said authorities were in touch with their Iranian counterparts over the incident, for which no explanation was available as yet. PTI

case if the missing poet's family was satisfied with the available information. "I will send the file for the formation of a larger bench to look into how he went missing."  
The petitioner's lawyer, Imaan Mazari, said it was no coincidence that Shah had been writing against the military's response to anti-inflation protests in POK on social media before he mysteriously disappeared. "Yet another citizen went missing, for which an FIR was registered four days later."

was in the custody of Dhirkot police in POK.  
Officials of intelligence agencies skipped the hearing, leaving it to attorney general Mansoor Usman Awan to brief the court on his whereabouts. Islamabad's police chief said his department couldn't intervene as POK was outside its jurisdiction. Justice Kayani said he would dispose of the



MAY 8, 2024

P13

### Judge fines Trump for contempt for 10th time, warns of jail next time

**New York:** The judge in Donald Trump's criminal trial fined him \$1,000 and held him in contempt of court for a 10th time on Monday for violating a gag order and warned that further violations could land the former prez in jail.

Justice Juan Merchan said the nine \$1,000 fines he had imposed so far did not seem to be deterring the wealthy business mogul from violating the order, which bars him from speaking publicly about jurors and witnesses in the first criminal trial of a former US prez. "I do not want to impose a jail sanction and have done everything I can to avoid doing so. But I will if necessary," Merchan said.

Imprisonment would be an unprecedented step in the historic trial, which stems from a hush money payment made to porn star Stormy Daniels in the final weeks of the 2016 election.

Trump has pleaded not guilty and denies wrongdoing.

Merchan imposed the 10th fine for an April 22 interview in which the former prez said: "That jury was picked so fast — 95% Democrats. The area's mostly all Democrat." REUTERS

P7

## TALKING POINT

# Does Weinstein's acquittal mean end of MeToo?

Hollywood producer **Harvey Weinstein**, possibly the most emblematic figure of sexual abuse outed by the #MeToo uprising seven years ago, has been let off by a New York court of appeals. This is the latest in a string of acquittals, including that of Bill Cosby and Mario Batali. Does this mean that MeToo has lost, or that it had been excessive in its sweep? Not at all. With Weinstein, nearly a hundred women had spoken up about their experience of sexual assault and harassment. The court's acquittal, though, hinged on the standard of evidence — the testimony of many women was not allowed to factor into the specific charge of one.



### 1 WHAT METOO MEANT TO WOMEN

It was a dam breaking, as one woman spoke out about sexual assault in public, and all the others found their voices, one by one. It was a spill of urgent testimony, enabled by social media. Women spoke of their pain and degradation, and despite institutional hostility and denial, they found community in each other. The scale and truth of the abuse could no longer be pretended away. One third of all women have been subjected to sexual violence, and harassment and belittlement is pervasive.

### 2 IT SET OFF A TSUNAMI...

There has been a wave of women's activism around the world, from large demonstrations in the US and across Europe to South Korea and Japan, NiUnaMenos in Latin America, Aurat Marches in Pakistan, and many others. India, too, saw many powerful harassers being outed. While the MeToo discourse in the media focused on high-profile 'scalps' and individual falls from grace, it also led to legal change. In the US, state legislatures introduced more than 3,000 bills that supported gender equity and workplace safety and so on, of which 382 were passed.

### 3 ...AND IT ALSO SPARKED A BACKLASH

But social progress is not a straight line, movements for justice have to gather strength, and power always roars back. The backlash against women has gained greater force in recent years. Reactionary forces around the world try to dilute equality-seeking laws, place traditional 'family values' over women's sexual and reproductive rights, and champion 'men's rights' as though their oppressive dominion has not been the norm. Popular influencers in the 'manosphere' demand a return to a status quo that stifled women.



### 4 WHAT WAS METOO ASKING FOR?

For the world to believe women. This doesn't mean believing all women as a blanket rule. It means overriding our automatic reflex, instilled by patriarchy, to disbelieve women. In most cases, it took a tumble of testimony, several women's stories, to cast doubt on the reputation of a single man — why is a woman's word still worth so much less than a man's? How can any lone woman expect justice, with such structural hostility? The impulse that tells us that a woman accusing a man must be driven by vengefulness or some other power-trip, or that #MeToo is mob justice, is the tinted lens that doesn't let us see injustice, clear as daylight.

### 5 QUEST FOR JUSTICE IS FAR FROM OVER

Many have been disheartened by the Weinstein case, asking why evidence that demonstrates a defendant's propensity to commit sex crimes, even when those allegations aren't part of the crimes charged, is inadmissible. But the court of public opinion has shifted, and that is MeToo's success. It has exposed the domination that often distorts sexual encounters between men and women. Many of us can spot patterns now — how victim-blaming works, how the system excuses and actively defends men. We now notice how jokes and comments function, how pop songs and movies build up a climate of male entitlement. This deep reckoning with sexual violence and misconduct, and the distribution of power that underlies it, will go on. The quest for justice, once sparked, is not so easily subdued.



P1

## Israeli SC orders army to draft ultra-Orthodox men, rattling Bibi govt

**Jerusalem:** Israel's Supreme Court Tuesday ruled unanimously that the military must begin drafting ultra-Orthodox men for compulsory service, a landmark decision that could lead to the collapse of PM Netanyahu's governing coalition as Israel continues to wage war in Gaza.

The ruling effectively puts an end to a decades-old system that granted ultra-Orthodox men broad exemptions from military service while maintaining mandatory enlistment for the country's secular Jewish majority. The arrangement, deemed discriminatory by critics, has created a deep chasm in Israel's Jewish majority over who should shoulder the burden of protecting the country.

The court struck down a law that codified exemptions in 2017, but repeated court extensions and govt delaying tactics over a replacement dragged out a resolution for years. The court ruled that in the absence of a law, Israel's compulsory military service applies to the ultra-Orthodox like any other citizen.

Politically powerful ultra-Orthodox parties, key partners in Netanyahu's governing coalition, oppose any

change to the current system. If the exemptions are ended, they could bolt the coalition, causing the govt to collapse and likely leading to new elections. In the current environment, Netanyahu could have a hard time delaying the matter any further or passing laws to restore the exemptions. During arguments, govt lawyers told the court that forcing ultra-Orthodox men to enlist would "tear Israeli society apart."



A statement from Netanyahu's Likud party criticised the ruling, saying a bill in parliament backed by the Israeli leader would address the draft issue. Critics say it falls short of Israel's wartime needs.

In its ruling, the court found that the state was carrying out "invalid selective enforcement, which represents a serious violation of the rule of law, and the principle according to which all individuals are equal before the law."

The ruling of Israel's highest court must be followed, and the military is expected to begin doing so once it forms a plan for how to draft thousands of members of a population that's deeply opposed to service. The army had no immediate comment. AP

## Russia starts secret trial of US scribe for spying

**Yekaterinburg (Russia):** US journalist **Evan Gershkovich** went on trial behind closed doors Wednesday in the Russian city of Yekaterinburg, where he faces charges of espionage and a likely sentence of up to 20 years in prison.



Prosecutors say the Wall Street Journal reporter gathered secret information on the orders of the US' CIA about a company that manufactures tanks for Russia's war in Ukraine. Gershkovich, his newspaper and the US govt all reject the allegations and say that he was just doing his job as a reporter accredited by the foreign ministry to work in Russia. The Kremlin declined to comment.

After several hours of closed proceedings, the court said the next session would take place on Aug 13. REUTERS



P12

## US SC blocks opioid settlement that gave immunity to Purdue co's Sackler family

**Washington:** The US Supreme Court on Thursday blocked OxyContin maker Purdue Pharma's bankruptcy settlement that would have shielded its wealthy Sackler family owners from lawsuits over their role in the nation's deadly opioid epidemic. The 5-4 decision reversed a lower court's ruling that had upheld the plan to give Purdue's owners immunity in exchange for paying up to \$6 billion to settle thousands of lawsuits accusing the firm of unlawful misleading marketing of OxyContin, a powerful pain medication introduced in 1996.

The ruling represented a victory for Prez Biden's administration, which had challenged the settlement as an abuse of bankruptcy protections meant for debtors in financial distress, not people like the Sacklers who have not filed for bankruptcy. Conservative Justice Neil Gorsuch wrote



The deal had required the Sacklers to pay up to \$6 billion to settle thousands of lawsuits accusing the company of unlawful misleading marketing of OxyContin, a powerful pain medication introduced in 1996.

te the ruling, which was joined by fellow conservative Justices Clarence Thomas, Samuel Alito and Amy Coney Barrett, as well as liberal Justice Ketanji Brown Jackson. "The Sacklers haven't filed for bankruptcy and have not placed virtually all their assets on the table for distribution to creditors, yet they seek what essentially amounts to a discharge," he wrote.

Justice Brett Kavanaugh

wrote a dissenting opinion that was joined by fellow conservative Chief Justice John Roberts, and liberal Justices Sonia Sotomayor and Elena Kagan. "The decision is wrong on the law and devastating for more than 100,000 opioid victims and their families," he said.

Purdue filed for Chapter 11 bankruptcy in 2019 to address its debts, nearly all of which stemmed from thousands of lawsuits alleging that OxyContin helped kickstart an opioid epidemic that has caused more than half a million US overdose deaths over two decades. At issue in the case was whether US bankruptcy law lets Purdue's restructuring include legal protections for members of the Sackler family, who have not filed for personal bankruptcy. The decision has broader implications for other bankruptcy settlements involving claims of mass injury. REUTERS & NYT

## 'Concerning rise' in hate speech, anti-conversion laws in India: US

**Washington:** There has been a "concerning increase" in anti-conversion laws, hate speech, and demolitions of homes and places of worship for members of minority communities in India, US secretary of state Antony Blinken said on Wednesday at the release of the annual State Department report on international religious freedom.

"In India, we see a concerning increase in anti-conversion laws, hate speech, demolitions of homes and places of worship for members of minority faith communities. At the same time, people around the world are also working hard to protect religious freedom," Blinken said.

Ten of 28 states have laws restricting religious conversions for all faiths. Some of these states also impose penalties specifically against forced religious conversions for the purpose of marriage, the report said.

During the year, some members of religious minority groups challenged govt's ability and willingness to protect them from violence, investigate crimes against members of religious minority groups, and protect their freedom of religion or belief, it stated.



The report released by Blinken said US officials continued to raise concerns about religious freedom issues with their Indian counterparts in 2023.

India has previously rejected the US state department's annual human rights report on the country, saying they continue to be based on "misinformation and flawed understanding".

Observing that PM Modi has reiterated calls to enact a uniform civil code at the national level as called for in the Constitution, instead of a system of separate personal laws for religious communities, the state department said Muslim, Sikh, Christian, and tribal leaders and some state government officials opposed the initiative on the grounds it was part of a project to turn the country into a "Hindu rashtra". PTI

### Minorities outfit criticizes US for 'biased' report

**New Delhi:** Indian Minorities Foundation (IMF) criticised the United States Commission on International Religious Freedom (USCIRF) on Thursday, arguing that its latest report undermines credibility and understanding of India's religious freedom landscape, reports **Manash Gohain**.

The IMF also criticised US secretary of state Antony Blinken, accusing him of bias in his references to increase in "anti-conversion laws" and "hate speech" in India, and questioning the fairness of assessing free speech and hate speech based on country of origin. The foundation also accused the USCIRF of harbouring a divisive agenda towards India. IMF claimed USCIRF suffers from an "anti-India bias" and highlighted a disconnect between "independent, bipartisan US federal govt agency" and the US State Department.

IMF accused the report of being influenced by NGOs and activists "who have been at the receiving end of regulations that have nothing to do with religion or religious identity".



P9

## Drop cases against Arundhati: UN body

**United Nations:** The top UN human rights official on Thursday



voiced concern over the use of anti-terror law in India to silence critics and urged authorities to drop cases against author **Arundhati Roy** over her comments on Kashmir. "#India: We are concerned by the use of #UAPA anti-terror law to silence critics. Repeat call for review of law & release of human rights defenders detained under it. Urge authorities to drop cases against" Arundhati Roy and Sheikh Showkat Hussain over comments on Kashmir," the UN Human Rights Office, led by high commissioner Volker Turk said on X.

Earlier, Delhi LG V K Saxena had accorded sanction to prosecute Roy and former Central University of Kashmir professor Hussain under UAPA for allegedly making provocative

### Roy gets PEN Pinter Prize 2024

**A**rundhati Roy was on Thursday honoured with the PEN Pinter Prize 2024 for her "unflinching and unswerving" writings. Established in 2009 by the charity English PEN, the prize defends freedom of expression and celebrates literature in memory of Nobel laureate playwright Harold Pinter. Roy expressed her delight at being named this year's winner. amid an "incomprehensible turn" the world is taking. "I am delighted to accept the PEN Pinter prize. I wish Harold Pinter were with us today to write about the almost incomprehensible turn the world is taking," said 62-year-old Roy. PTI

speeches at an event in 2010. Roy, a Booker Prize-winning author, and Hussain had been named in an FIR registered on October 28, 2010. TNN

P13

**'No one above the law': Biden says Trump questioning ruling 'dangerous'**

President Biden said the verdict in Trump's trial reaffirmed "the American principle that no one is above the law" and he criticized the former president and his allies for their complaints about the outcome. "It's reckless, it's dangerous, it's irresponsible for anyone to say this was rigged just because they don't like the verdict," Biden said in brief remarks.

"Our justice system has endured for nearly 250 years and it literally is the cornerstone of America. The justice system should be respected," Biden said, adding, Trump was "given every opportunity to defend himself" and that he has the right to appeal. 11



JUNE 8, 2024

## Hunter Biden's criminal trial begins in aftermath of Trump conviction

**Wilmington:** The criminal trial of Hunter Biden kicked off on Monday in federal court in Delaware as Prez Joe Biden's son faces gun charges in a historic case that begins four days after Donald Trump became the first former US president to be convicted.

Hunter Biden, 54, arrived at the courthouse for the first trial of the child of a sitting president, in which he will face three felony charges stemming from his purchase and possession of a revolver in 2018. He has pleaded not guilty. It is one of two criminal cases he faces, with federal tax charges brought separately in California. First Lady Jill Biden, Hunter Biden's wife Melissa Cohen Biden and his half-sister Ashley Biden were in attendance at the trial in Wilmington, before US district Judge Maryellen Noreika. "Jill and I love our son and we



Hunter arrives at the court with his wife Melissa. First lady Jill Biden also attended the trial

are so proud of the man he is today," Joe Biden said in a statement, adding that a lot of families have loved ones who have overcome addiction.

Trump was convicted by a jury in state court in New York on Thursday of 34 felony counts of falsifying documents to cover up hush money paid to a porn star to avoid a sex scandal shortly before the 2016 US election that put him in the White House.

Hunter's trial gives Republicans a chance to shift atten-

tion away from Trump's legal troubles. Trump is due to be sentenced on July 11. He has pleaded not guilty in three other pending criminal cases.

In the case brought by US special counsel David Weiss, a Trump appointee, last Sept Hunter was charged with lying about his use of illegal drugs when he bought a Colt Cobra .38-caliber revolver and with illegally possessing the weapon for 11 days in Oct 2018. Weiss, who has investigated Hunter since at least 2019, also brought the tax charges. If convicted on all charges in the Delaware case, Hunter faces up to 25 years in jail, though defendants generally receive shorter sentences, according to the justice department.

Noreika began screening potential jurors for their ability to commit to serving length of the trial, likely to run through end of next week. REUTERS

P11

## Amanda Knox convicted in slander retrial in Italy over 2007 killing of her roommate

**Rome:** Amanda Knox, an American who was convicted and then exonerated of murdering her housemate while they were studying in Italy, on Wednesday lost another trial in an Italian court against slander charges related to the 2007 killing. Knox was convicted by a court in Florence on charges that she had slandered a man who ran a bar where she worked by unjustly accusing him of killing her housemate, 21-year-old Meredith Kercher, in 2007. Knox was sentenced by the court to three years in prison, time she has already served.

Knox was initially found guilty of slandering the man, Diya Lumumba, also known as Patrick, in 2009, a conviction that was upheld by various Italian courts. At the time of the killing, Lumumba ran a bar called Le Chic where Knox worked part time.

Knox declined to speak to



Amanda Knox breaks down outside the court in Florence on Wednesday

reporters after the ruling Wednesday. Her defence team said they would most likely appeal to Italy's highest court.

Speaking to a courtroom packed with journalists earlier, Knox, referring to her comments about Lumumba in 2007, described "the worst night of my life," and said she had been bullied by the police into accusing an innocent man of murder. She told the court, speaking in Italian and with her voice cracking at times, that she had been a frigh-

tened 20-year-old who had been tricked and was "psychologically destabilised".

The hearing Wednesday is the latest turn in a legal journey whose echoes continue to reverberate nearly 17 years after the murder of Kercher, a British student. Knox became a household name in 2007 when she was arrested with her boyfriend at the time, Raffaele Sollecito, then 23, for the murder of Kercher during what prosecutors described as a sex game gone wrong. All three were studying in the picturesque central Italian city of Perugia. Knox was convicted in 2009 of the killing by an Italian court but acquitted on appeal. She returned to the US in 2011 while her case bounced between various courts until she and Sollecito were exonerated by Italy's highest court in 2015.

Speaking to the court, recalling the events that led her to

accuse Lumumba, Knox said that Kercher had been the "victim of horrible violence." In the days after Kercher's death, Knox said she had been "under shock and exhausted" and had never felt "so vulnerable in my life." It was at that point, she said, during a nightlong interrogation, that the police pressured her into naming Lumumba, with whom she had exchanged some texts that night. She said one cop had slapped her.

Lumumba, who now lives in Krakow, Poland, did not attend Wednesday's hearing and has not commented. Although Knox recanted her statements accusing Lumumba, he was arrested, held in prison for two weeks and released only after one of his clients provided an alibi. Lumumba sued for slander, and Knox was found guilty and sentenced to three years, which she served during her four years in prison. NYT



P2

# Israel 'targets' US lawmakers with covert influence drive

Ordered By Diaspora Ministry, Op Used Fake Profiles For Pro-Israel Posts: Report

**Tel Aviv:** Israel organised and paid for an influence campaign last year targeting US lawmakers and the American public with pro-Israel messaging, as it aimed to foster support for its actions in the war in the Gaza Strip, according to officials involved in the effort and documents related to the operation.

The covert campaign was commissioned by Israel's ministry of diaspora affairs, a govt body that connects Jews around the world with the state of Israel, four Israeli officials said. The ministry allocated about \$2 million to the operation and hired Stoic, a political marketing firm in Tel Aviv, to carry it out, according to the officials and the documents.

The campaign began in Oct and remains active on the social platform X. At its peak, it used hundreds of fake accounts that posed as real Americans on X, Facebook and Instagram to post pro-Israel comments. The accounts focused on US lawmakers, particularly ones who are black and Democrats, with posts urging them to continue funding Israel's military.

ChatGPT, the AI-powered chatbot, was used to generate



Israeli right-wing activists scuffle with a Palestinian freelance journalist during a march commemorating Jerusalem Day on Wednesday

## Israel: Gaza offensive won't stop for talks

Israel reiterated on Wednesday its refusal to halt the Gaza offensive for a resumption of hostage-release talks with Hamas; after mediator Qatar said it had given the Palestinian militants a US-backed truce proposal. "Any negotiations with Hamas would be conducted only under fire," defence minister Yoav Gallant, said in remarks after he flew abroad a warplane to inspect the Gaza front. On the other hand, Hamas political head Ismail Haniyeh said the group will deal "seriously and positively" with any agreement that is based on the total halt of war, complete Israeli withdrawal from Gaza. REUTERS

many of the posts. The campaign also created three fake English-language news sites featuring pro-Israel articles.

The Israeli govt's connecti-

on to the influence operation, which NYT verified with four current and ex-members of ministry of diaspora affairs and documents about the campai-

gn, has not previously been reported. FakeReporter, an Israeli misinformation watchdog, identified the effort in March.

Last week, Meta, which owns Facebook and Instagram, and OpenAI, which makes ChatGPT, said they had also found and disrupted the operation. The campaign didn't have a widespread impact, the two companies had said. The fake accounts accumulated more than 40,000 followers across X, Facebook and Instagram, FakeReporter found. But many of those followers may have been bots and didn't generate a large audience, Meta said.

The secretive drive signals the lengths Israel was willing to go to sway American opinion on the war in Gaza. The US has long been one of Israel's staunchest allies, with Prez Biden recently signing a \$15 billion military aid package for the country. But the conflict has been unpopular with many Americans, who have called for Biden to withdraw support for Israel in the face of mounting civilian deaths in Gaza. Israel's ministry of diaspora affairs denied involvement. Stoic didn't respond for comment. NYT



P10

## US Supreme Court unanimously rejects bid to restrict abortion pill

**Washington:** The US Supreme Court on Thursday rejected a bid to restrict an abortion pill widely used in the United States to terminate pregnancies.

The court, in a unanimous opinion, said the anti-abortion groups and physicians challenging the medication, mifepristone, lacked the legal standing to bring the case.

Abortion rights are one of the key issues in the Nov polls and the administration of Democratic Prez Joe Biden had urged the court to maintain access to the drug, which was approved by FDA in 2000. His opponent Donald Trump leads a Republican Party broadly favouring blocks to abortion access.

The mifepristone case was the first significant abortion case heard by the conservative-dominated Supreme Court since it overturned the previously long-held constitutional right to abortion two years ago. "We recognise that many citizens,



The justices rejected the lawsuit saying the plaintiffs did not have standing to sue. Medication abortion accounted for 63% of the abortions in the country last year, up from 53% in 2020

including the plaintiff doctors here, have sincere concerns about and objections to others using mifepristone and obtaining abortions," said Justice Brett Kavanaugh, who wrote the 9-0 opinion. "But citizens and doctors do not have standing to sue simply because others are allowed to engage in certain activities," Kavanaugh said.

The conservative justices said the federal courts were "the wrong forum for addressing the plaintiffs' concerns about FDA's actions" and they could present their objections through regulatory procedures or through the "political and electoral processes". Abortion opponents have been seeking to restrict nationwide access to the pill, claiming it is unsafe and that anti-abortion doctors were being forced to violate their conscience by intervening on patients who suffered complications after using it.

Medication abortion accounted for 63% of the abortions in the country last year, up from 53% in 2020, according to the Guttmacher Institute.

Some 20 states have banned or restricted abortion since the SC in June 2022 overturned the landmark Roe v. Wade ruling that enshrined the constitutional right to abortion for half a century. AP



THE TIMES OF INDIA

JUNE 20, 2024

P8

# Thailand passes same-sex marriage bill

**First in Southeast Asia And 3<sup>rd</sup> In Asia To Allow Such Unions After Nepal, Taiwan**

Lawmakers in Thailand voted on Tuesday to approve a marriage equality bill, a move that puts the country on a clear path to becoming the first in Southeast Asia to legalise same-sex marriage. Thailand's Senate passed the bill by 130 votes to 4, with some abstentions, on Tuesday afternoon. It was approved by the House of Representatives in March. The legislation would become law after it is reviewed by a Senate committee and the Constitutional Court and receives royal assent from the king, a formality that is widely expected to be granted.

"After 20 years of trying to legalise this matter," activist Plaifa Kyoka Shodladd said in the Senate chamber after the vote, "finally, love wins." The

bill's passage underscores Thailand's status as a relative haven for gay couples in Asia. Only Taiwan and Nepal have legalised same-sex marriage.

In some Asian countries, gay sex is a criminal offense. Indonesia, where gay marriage is illegal, made extramarital sex illegal in 2022. In 2019, Brunei made gay sex punishable with death by stoning. It later said it would not carry out executions, after widespread international protest.

After the bill's passage, hundreds of supporters gathered in downtown Bangkok to celebrate the milestone despite the punishing heat, waving flags and throwing colorful balloons at a Pride rally. A parade began with the bang of a firecracker and confetti fly-



AFP

Thailand's legislation will become law after it's reviewed by a Senate committee and the Constitutional Court and receives royal assent from the king, a formality that is widely expected to be granted

ing in the air. Gloria Gaynor's "I Will Survive" played at the rally, as well as a '90s-style Thai pop song called "History", with the lyrics: "History won't repeat anymore, history's about to change its course, change toward equality." PM Srettha Thavisin said he would host a celebration for activists on Tuesday, though he said he could not attend the event because of a Covid infection.

Thailand's bill, which amends the country's civil and commercial code, calls marriage a partnership between two people age 18 and above, without specifying gender. It also gives LGBTQ couples equal rights to adopt children, claim tax allowances, inherit property and give consent for medical treatment when their partners are incapacitated.

The bill has been contentious since its first version was introduced over 20 years ago. While Thailand is one of the most open places in the world for gay couples, it is socially conservative in other ways. In Feb, lawmakers dismissed a proposal to let people change genders on official documents. But a majority of the Thai public supports the marriage equality bill. Last year, 60% of adults in Thailand said they backed legalising same-sex marriage in a survey. APR

P8

## Hindujas 'appalled' by jail term; file appeal

**London:** Britain's wealthiest family, the Hindujas, have said they are "appalled" by a Swiss court's ruling of jail terms for some members and have filed an appeal in a higher court challenging the verdict finding them guilty of exploiting domestic workers from India employed at their villa in Geneva.

A spokesperson for the affected family members, Kamal and Prakash Hinduja and their son Ajay and his wife Namrata — who are all Swiss nationals, pointed out on Saturday that neither of them have been subjected to any "imprisonment, conviction, sentence or detention."

"Per Swiss law procedures, the lower court's judgment is rendered ineffective and inoperative as the presumption of innocence is paramount until and unless a final judgment by the highest adjudicating authority is enforced," the family's spokesperson said.

"It may be noted the case has no complainants left anymore and they had declared in the court that they were led into signing statements that they didn't understand. They had neither intended to nor initiated proceedings. All of them further testified that the four Hinduja family members treated them with 'respect, dignity and like family'," the spokesperson said.

Earlier on Friday, in a statement issued on behalf of the family stressed their clients had been acquitted of all human trafficking charges. They also dismissed media reports that any members of the family faced detention after court reports from Geneva said the four were sentenced to between four and four-and-a-half years in prison. PTI



P8

### Probe into 1985 Kanishka bombing remains active & ongoing: Canada

**Ottawa:** Investigations into the bombing of the Air India Flight 182 remain "active and ongoing", the Canadian police have said, terming it the "longest" and one of the "most complex domestic terrorism" probe, ahead of the deadly bombing's 39th-anniversary memorial.

The Montreal-New Delhi Air India 'Kanishka' Flight 182 exploded 45 minutes before it was to have landed at London's Heathrow Airport on June 23, 1985, killing all 329 on board, most of them Canadians of Indian descent. It was blamed on Sikh militants in retaliation to 'Operation Bluestar' to flush out militants from the Golden Temple in 1984.

Royal Canadian Mounted Police assistant commissioner David Teboul said the impacts of the bombing "have not diminished with time". He said that the trauma it caused has impacted generations. "We must never forget those innocent lives lost to this tragedy and other acts of terrorism," he said. PTI

## Iran's top court overturns rapper's death sentence

Iran's supreme court has overturned a death sentence against popular rapper Toomaj Salehi who was jailed for backing nationwide protests sparked by Mahsa Amini's death, his lawyer said Saturday. "Salehi's death sentence was overturned," the rapper's lawyer Amir Raisian said in a post on X, adding that the Islamic republic's top court had ordered a retrial.

In April, an Iranian court sentenced Salehi to death for the capital offence of "corruption on earth", Raisian said at the time. The rapper was also found guilty of "assistan-

ce in sedition, assembly and collusion, propaganda against the state and calling for riots", the lawyer said.

Salehi, 33, was arrested in Oct 2022 after publicly backing demonstrations which had erupted a month earlier, triggered by Amini's death in police custody.

"The Supreme Court prevented an irreparable judicial error," Raisian said, adding that the court also ruled that Salehi's "previous sentence (6 years and three months) was also without compliance with the rules of a multiplicity of crimes." AFP



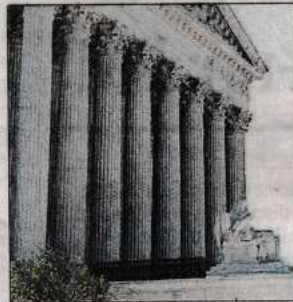
## US top court upholds law that disarms domestic abusers

**Washington:** The US Supreme Court ruled Friday that the government can take guns away from people subject to restraining orders for domestic violence, limiting the sweep of a blockbuster decision in 2022 that had vastly expanded Second Amendment rights.

Indeed, Friday's decision amounted to a retreat from what had been an unbroken series of major rulings favouring gun rights that started in 2008, when the court first recognized an individual constitutional right to keep firearms in the home for self-defense.

In the 2022 decision, the court established a right to carry guns outside the home and announced a new test to assess all sorts of gun control laws, one that looked to historical practices to judge their constitutionality. That new test has sown confusion in the lower courts, with some judges striking down laws that had been on the books for decades.

The case decided Friday,



Justice Clarence Thomas, author of the majority opinion in the 2022 decision, *New York State Rifle & Pistol Association v. Bruen*, was the only dissenter

*United States v. Rahimi*, asked whether a Texas man could be prosecuted under federal law making it a crime for people subject to domestic violence restraining orders to possess guns. Chief Justice John Roberts, writing for the majority in the 8-1 decision, said the answer was yes and that Second Amendment rights have limits. NYT

## Death for Christian man in Pak for sharing hateful posts

**Multan:** A court in Pakistan sentenced a Christian man to death for sharing what it said was hateful content against Muslims on social media after one of the worst mob attacks on Christians in the eastern Punjab province last year; his lawyer said Monday, adding he will appeal the verdict.

In Aug 2023, groups of Muslim men burned dozens of homes and churches in the city of Jaranwala after some residents claimed they saw two Christian men tearing out pages from the Quran, throwing them on the ground and writing insulting remarks on other pages, authorities said.

Ehsan Shan, though not party to the desecration, was accused of reposting the defaced pages of the Quran on his TikTok account, his lawyer Khurram Shahzad said. He also said he would appeal against the death sentence issued Saturday by a court in the city of Sahiwal in Punjab. Amir Farooq, a police officer who arrested Shan, said

### Petrol and diesel prices hiked in Pak

Weeks after slashing the prices of fuel ahead of the Eid ul Adha festival, the Pakistan govt Monday sharply hiked their prices for the next fortnight. According to a notification, the prices of petrol and High-Speed Diesel (HSD) were raised by Rs 7.45 and Rs 9.56 per litre respectively, the Express Tribune reported. The new ex-depot petrol price for July 1 to 15 would be Rs 265.61 per litre compared to Rs 258.16 in the previous fortnight, up by 2.9%, the Dawn reported. However, petrol would be available for over Rs 266 per litre in the retail market, it said. On the other hand, the new ex-depot price of HSD is Rs 277.45 per litre, or 3.6% higher than the Rs 267.89 over the past fortnight. PTI

the man shared "the hateful content at a sensitive time when authorities were already struggling to contain violence." AP



P12

## Video shows NY officer fatally shooting boy, 13, on ground. Police say he pointed a replica gun

**New York:** Video released late Saturday shows an officer in upstate New York fatally shooting a 13-year-old boy who had been tackled to the ground after he ran from police and pointed a replica handgun at them.

The teen was killed a little after 10pm (local time) Friday in Utica after officers in the city about 400km northwest of Manhattan stopped two youths in connection with an armed robbery investigation, police said.

The youths, both 13, matched the descriptions of the robbery suspects and were in the same area at around the same time the day after, police said. One was also walking in the road, a violation of state traffic law. The body camera video released by police captures an officer saying he needs to pat them down to ensure they don't have any weapons in their possession. Immediately one of the two, identified by police as Nyah Mway, runs away.

Authorities froze frames of the video where a running Nyah Mway appears to point the gun at the pursuing officers. Police also edited the video to in-



The inconsolable mother of 13-yr-old Nyah Mway at city hall in Utica. The boy was identified as a refugee born in Myanmar and a member of the Karen ethnic minority community

sert a red circle around the weapon to show it to viewers. The officers believed it was a handgun, police said, but it was later determined to be a replica of a Glock 17 Gen 5 handgun with a detachable magazine.

"During a ground struggle" with the teen, one of the officers fired a single shot that struck the boy in the chest, Utica police chief Mark Williams said.

The teen was given "immediate" first aid by the officers and taken to Wynn Hospital, where he died, the chief said.

The replica gun carried by

the teen "is in all aspects a realistic appearing firearm with GLOCK markings, signatures, detachable magazine, and serial numbers," Lt Michael Curley, a police spokesperson, said via email. "However ultimately it fires only pellets or BB's."

A bystander video posted to Facebook shows one of the officers chasing after Nyah Mway and tackling him to the ground. It also shows the officer punching the teen as two other officers arrive. A gunshot rings out as the teen is on the ground and the officers quickly stand up.

The officer who fired his gun was identified as Patrick Husnay, a six-year veteran of the agency. Husnay and officers Bryce Patterson and Andrew Citriniti were placed on administrative leave with pay.

The police body camera video shows a chaotic scene.

Nyah Mway points the replica handgun at the officers while he runs from them. The officers scream "gun!" to each other as they run. Patterson then tackles and punches Nyah Mway, and as the two are wrestling on the ground, Husnay

opens fire. Officers initially thought Nyah Mway may have shot himself, and Patterson says, "I don't know if he shot me." It is not clear whether he is referring to Nyah Mway or his fellow officer. Patterson was not struck. Bystanders scream at the police throughout the recordings, and at one point an officer yells back: "We're trying to save him right now!" The other youth was detained in the back of a police vehicle and was not involved in the shooting.

The police department released the body camera videos following a public outcry as the shooting roiled Utica, a city with a population of 65,000. It is home to more than 4,200 people from Myanmar, according to The Center, a nonprofit that helps to resettle the refugees.

Nyah Mway, who local media reports said was an 8th grader at Donovan Middle School, was identified as a refugee born in Myanmar and a member of the Karen ethnic minority.

The police department is conducting an internal investigation to see whether officers followed policies and training. AP



P10

## US SC cut federal agencies' wings. Ruling a 'mixed bag' for diaspora

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The US Supreme Court in its recent decision has overturned a 40-year-old tenant that courts should give substantial deference to federal agency decisions. Overturning of the earlier judgement, which came to be known as the 'Chevron Deference' doctrine, has wide reaching implications in the realm of immigration laws, and is a mixed bag for the Indian diaspora.

According to immigration attorneys, it could boost the chances of success for US employers who hire immigrant employees (such as those on H-1B visa) while challenging unfavourable decisions taken by the US Citizenship and Immigration Services (USCIS) — such as on visa extensions on grounds that the occupation is not 'specialised'. However, it could also mean that work authorisation available to H-4 visa holders (spouses of H-1B who are on track for a green card), could be subject to a fresh bout of litigation.

In late June, while deciding the case of Loper Bright Enterprises, Chief Justice John Roberts held that courts must exercise their independent judgement in deciding whether an agency has acted within its statutory authority. Rajiv S. Khanna, managing attorney at Immigration.com told TOI: "The Loper Bright decision cuts both ways, helpful and harmful. Because of this order, courts can now review both the beneficial and pernicious decisions made by USCIS and department of homeland security (DHS) based on their interpretation of various factors. Agency interpretations are not presumptively entitled to judicial deference."

It is a mixed bag. It could, in some cases, give US employers who hire H-1B workers or L-1 workers (on an intra-company transfer) to have a better chance in fighting their case. Cyrus D. Mehta, New York based immigration attorney, told TOI, "Without Chevron, federal courts will no longer pay deference to a govt agency's interpretation of a provision in the Im-

migration and Nationality Act (INA). Hence, employers may be able to find a court willing to give a more favourable interpretation of a statute granting H-1B or L visa classification to a noncitizen worker."

Save Jobs USA, an advocacy group of tech workers, which has been challenging the H-4 employment authorisation documentation (EAD) rule, has an appeal pending in the DC Circuit Court of Appeals. They are contesting that because of the Loper Bright decision the court should quash the H-4 EAD programme because the US Congress has not delegated the power to create it. So far, courts have held that the DHS does have the authority to issue work authorisation to lawfully admitted individuals. Khanna points out that the earlier court decision, which upheld the EAD rule, did not rely on the overturned legal doctrine. But renewed litigation means anxious times ahead for nearly a lakh Indian families where the H-4 spouse holds a work authorisation.



Pu

## Hush money: Prosecutors agree to delay Trump sentencing after immunity ruling

**New York:** Manhattan prosecutors on Tuesday agreed with Donald Trump's request to postpone his criminal sentencing so that the judge overseeing the case could weigh whether a recent US Supreme Court ruling might imperil his conviction, new court filings show. It is up to



the judge to determine whether to postpone the sentencing, though with both sides in agreement, a delay seemed likely.

A delay would represent a surprising setback for the case, which led to the first conviction of an American ex-president. The sentencing was likely to be the only moment of criminal accountability for the twice-impeached and four-time indicted former president whose other

### Biden: SC verdict could turn prez into 'king'

US Prez Biden said Monday the Supreme Court ruling on presidential immunity set a "dangerous precedent" that could turn presidents into kings and called on the American people to "dissent" by rejecting Donald Trump in Nov's election. In remarks from the White House, Biden said the court decision meant Trump was highly unlikely to go on trial before the Nov. 5 election for his role in seeking to overturn the results of the 2020 election. "This nation was founded on the principle that there are no kings in America. Each, each of us is equal before the law. No one, no one is above the law. Not even the president of the US," Biden said. He said the court's decision meant there were now virtually no limits on what a president could do.

cases are mired in delay.

Trump, who was convicted of falsifying business records related to his cover-up of a sex scandal during 2016 prez campaign, was scheduled to be sentenced on July 11. He faces up to four years in prison, though he could receive as little as a few weeks in jail, or probation.

On Monday, the planned sentencing hit a snag when the

SC granted Trump broad immunity from prosecution for official actions taken as president. Although the Manhattan case does not centre on Trump's presidency or official acts — but rather on his personal activity during the 2016 campaign — his lawyers argued Monday that prosecutors had built their case partly on evidence from his time in the White House. NYT

PM

## UN body calls Imran arrest 'arbitrary', Pak slams report

Omer Farooq Khan | TNN

**Islamabad:** Pakistan on Tuesday denounced a UN report that termed the detention of former PM Imran Khan as "arbitrary and in violation of international law", asserting that the arrest of the cricketer-turned-politician and the cases against him were an "internal matter" of the country. Imran, the founder of PTI party, has been in jail since Aug last year following his conviction in a Toshakhana case. The Election Commission subsequently disqualified him for five years, ahead of Feb elections. He is also facing prosecution in other cases.

In an opinion released on Monday, the Geneva-based UN Working Group on Arbitrary Detention concluded that Imran's detention had no legal basis, and appeared to have been intended to disqualify him from running for political office. The "appropriate remedy would be to release him immediately", it said.



P14

### **Criminal charges recommended against Boeing in fatal crashes case**

**Washington:** US prosecutors are recommending to senior US justice department officials that criminal charges be brought against Boeing after finding the planemaker violated a settlement related to two fatal crashes, two people familiar with the matter said. The federal agency determined in May that Boeing had breached a 2021 deferred-prosecution agreement that was put in place after the 737 Max crashes, which killed 346 people in 2018 and 2019. The planemaker has denied the findings, and the DoJ now has until July 7 to decide what punishment, if any, it should face. Under the 2021 deal, the company was asked to overhaul its compliance practices and submit regular reports. Boeing had also agreed to pay \$2.5 billion to settle the probe. **REUTERS**

P14

## Apple is first company charged under new EU competition law

Apple is imposing unfair restrictions on developers of applications for its App Store in violation of a new European Union law meant to encourage competition in the tech industry, regulators in Brussels said on Monday. The charges further escalated a tussle between Apple, which says its products are designed in the best interest of customers, and EU regulators, who say the company is unfairly using its size and considerable resources to stifle competition.

Apple is the first company to be charged for violating the Digital Markets Act, a law passed in 2022 that gives European regulators wide authority to force the largest "online gatekeepers" to change their business practices. After initiating an investigation in March, EU regulators said Apple was putting unlawful restrictions on companies



that make games, music services and other applications. Under the law, Apple cannot limit how companies communicate with customers about sales and other offers and content available outside the App Store. The company faces a penalty of up to 10% of global revenue, a fine that could go up to 20% for repeat infringements. Apple reported \$383 billion in revenue last year.

"Today is a very important day for the effective enforcement of the DMA," said Margrethe Vestager, European

Commission executive vice-president in charge of competition policy. She said Apple's App Store policies make developers more dependent on the company and prevent consumers from being aware of better offers. EU regulators said the charges were preliminary and gave Apple a chance to respond. A final decision will be announced by next March.

Apple defended its practices, saying its rules and fees are a fair trade for providing such a large platform to reach consumers. Developers can point consumers to websites to make purchases outside the App Store, the company said.

"Throughout the past several months, Apple has made a number of changes to comply with the DMA in response to feedback from developers and the European Commission," Apple said. "We are confident our plan complies with the law." APR



P1

## Musk sued for 'insider trading'

A Tesla shareholder filed a lawsuit on Thursday accusing CEO Elon Musk of insider trading when he sold over \$7.5 billion of shares of the electric car maker in late 2022, saying the billionaire entrepreneur sold the shares before potentially disappointing production and delivery numbers were made public. Shareholder Michael Perry, in the lawsuit filed in Delaware Chancery Court, claimed that Musk "improperly benefited" by \$3 billion in insider profits. REUTERS

## International trafficking racket: Couple held in Delhi

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**Kolkata:** The state CID, after investigating for a month, has arrested a couple for their involvement in trafficking Bangladeshi women, by luring them through IMO, a social media platform. The racket originated in Dhaka and Chittagong and operated in Ranaghat and Kolkata before reaching Delhi.

The CID's anti-human trafficking unit said accused couple Buddhadeb Gan (31) and his wife Sonia Fakir (28) claimed to be residents of Kalyani in Nadia. "Wera-

The accused were presented before at the local Saket court in Delhi and their transit remand was granted

ided an address near Govindpuri in southeast Delhi on Friday. The couple tried to flee towards the railway station but were arrested," said an officer.

The accused were presented before the Saket court in Delhi and their transit remand was granted.

On May 8, a 30-year-old Bangladeshi woman was rescued by the RPF from Seal-

dah station while she was boarding a train to Dhanbad. During interrogation, she said Sonia had directed her to come to India for better employment.

She had travelled to the international border and reached Ranaghat where another person helped her in reaching Kolkata.

A case under IPC 370 was registered by Sealdah GRP.

This case assumed significance after the Ranchi Sadar police nabbed three Bangladeshi women last month. Cops claim there might be a connection between the two cases.



P1

## After 12-yr confinement, Assange to be a free man

WikiLeaks founder Julian Assange will plead guilty on Wednesday to violating US espionage law, in a deal that will set him free after a 14-year

ady served at a hearing in the US territory of Saipan in the Pacific.

Assange, 52, has agreed to plead guilty to one criminal count of conspiring to obtain and disclose classified US national defence documents.

The deal marks the end of a legal saga that has seen Assange spend more than five years in a British high-security jail and seven holed up in the Ecuadorean embassy in London as he fought accusations of sex crimes in Sweden and battled extradition to the US, where he faced 18 criminal charges.

Assange left Belmarsh prison early on Monday, before being bailed by London high court. REUTERS **Pg Opp**



Assange disembarks at Bangkok en route to US territory of Saipan

British legal odyssey and allow his return home to Australia. He is due to be sentenced to 62 months of time already



THE TIMES OF INDIA  
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# The Law Of Not-So-Small Things

UN human rights body wants cases dropped against Arundhati Roy for her speech 14 years ago. The very sanction to prosecute raises legal questions about belated prosecutions and right to freedom of speech

**Shyam Rajan Agarwal**



Yesterday, author-activist Arundhati Roy was awarded the prestigious Pen Pinter prize for her "unflinching and unswerving" writing. Alongside the award was UN's call to New Delhi to drop cases against Roy and also review India's anti-terror law UAPA.

**The backstory** | In 2010, a complaint was filed by activist Sushil Pandit, basis which Delhi Police registered a case against author-activist Arundhati Roy and Sheikh Showkat Hussain, former professor at Central University of Kashmir.

Both were booked for their speeches at a conference Azadi, 'The Only Way' in Delhi's LTG Auditorium on October 21, 2010. FIR was registered under IPC sections 153A (promoting enmity between different groups), 153B (making imputations/assertions prejudicial to national integration) and under UAPA section 13. Roy was accused of stating that Kashmir was never an integral part of India and advocating its secession.

Delhi LG VK Saxena granted sanction to prosecute for the IPC offences in October 2023. Sanction to proceed on the UAPA offence was granted recently.

**Time limits** | The first question is whether LG's order may be rendered defective on account of delay. His sanction to proceed on IPC offences was granted under CrPC section 196. This prescribes no time limit for passing an order to either grant or deny sanction to prosecute.

However, since each IPC offence is punishable by imprisonment of up to three years, prosecution would be barred by 'limitation' - because CrPC sections 468 and 469 cumulatively state no court will take cognisance of an offence beyond a period of three years from date of offence or date of registration of FIR. Offences under UAPA section 13 are punishable by imprisonment of up to 7 years, so no limitation applies.

**Missing steps** | But there exists another strict time limit that LG seems to have given the go-by. UAPA section 45(2) provides for an independent authority to review evidence against the accused. This authority is to submit a report to the state or Centre. Only after considering this, can govt decide on granting or denying sanction to prosecute. Section 45(2) additionally envisages time limits within which the independent authority is to submit its report, and for govt's decision. These are prescribed under UAPA Rules, 2008, which provide 7 days each to the independent authority and to govt. Despite these strict timelines, LG granted sanction to prosecute 14 years after the case was filed.

**Precedent set** | Kerala HC in *Roopesh vs State of Kerala & Others* held that timelines stipulated under UAPA section 45(2), read with the Rules, are mandatory in nature. Non-compliance would render the order invalid. UAPA carries serious consequences for the accused, thus it must be interpreted strictly and literally.

Govt cannot be permitted to sit over a request for sanction indefinitely. Kerala challenged HC's judgment in the *Roopesh* case before SC, which observed that the question of law would remain open and permitted state to withdraw its petition.

Thus, this question regarding validity of a belated order granting sanction to prosecute is yet to be conclusively decided. That said, allowing sanction for prosecution 10 or 20 years after registration of FIR is a mockery of the criminal justice system.

**No call to arms** | The case also tests the extent to which free speech may be accorded protection. A YouTube clip of Roy's 2010 speech shows her stating Kashmir isn't an integral part of India, but she did

not expressly advocate secession. Nor was there any call to take up arms against the state.

Does a person's opinion, however unpalatable regarding independence or freedom for a particular region, by itself, without incitement to violence, amount to an offence under UAPA?

UAPA's definition of "unlawful activities" is wide and includes any speech that questions India's sovereignty and territorial integrity or causes disaffection against India. But it can be argued that UAPA ought to be interpreted on its object and purpose, which is to combat terrorism and terror organisations. It isn't intended to be applied to penalise speech. Indeed, applying UAPA in Roy's case is akin to using a hammer to swat a fly.

**Disaffection no ground** | The anti-terror law ought to be interpreted in consonance with right to freedom of speech and expression under Article 19(1)(a).

This right may only be restricted for grounds specified under Article 19(2) - notably, disaffection against India isn't ground for restricting free speech under the Constitution.

Law on sedition under IPC section 124A, worded similarly, was interpreted by SC in *Kedar Nath vs State of Bihar* to mean that only speech that tends to incite violence would fall within its ambit.

Recently, SC even stayed operation of section 124A after noticing its rampant misuse by law enforcement to curb dissent.

UAPA deserves to be similarly read down. The appropriate way to deal with Roy's ideas is to critique them openly rather than using the strong arm of law.

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814