

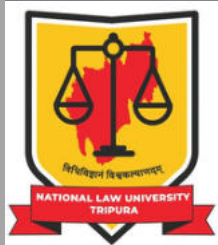
ADR Centre, NLU Tripura presents

LEGAL NEWS BULLETIN!

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NATIONAL LAW UNIVERSITY TRIPURA

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Presents-

Legal News Bulletin!

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P-12

TIMES NATION

SC to cops: Stop pre-arrest notices through WhatsApp

Oppn Claims Police Misused Power, Made Arrests Without Notice

Dhananjay Mahapatra
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New Delhi: Infusion of information technology in court proceedings notwithstanding, Supreme Court has barred police and law enforcement agencies from sending pre-arrest notices through WhatsApp or other electronic means to people suspected of committing a cognisable offence under Section 41A of CrPC and Section 35 of Bharatiya Nagarik Suraksha Sanhita (BNSS).

Both these provisions mandate a police officer who is investigating a cognisable offence to first issue notice to the suspect seeking his/her appearance. If the suspect appears before the officer and cooperates in the investigation, s/he will not be arrested. Opposition politicians



had made an issue that police misused its power to arrest without issuing Section 41A notices.

Accepting the suggestions of amicus curiae and senior advocate Sidharth Luthra, a bench of Justices M M Sundresh and Rajesh Bindal ordered, "All states/UTs must issue a standing order to their respective police machinery to issue notices under Section 41A of CrPC, 1973/Section 35 of BNSS, 2023, only through the

Sec 41A of CrPC and Sec 35 of BNSS require police investigating a cognisable offence to first issue notice to the suspect. If the suspect appears and cooperates, he/she will not be arrested

mode of service as prescribed under the CrPC, 1973/BNSS, 2023. "It is made amply clear that service of notice through WhatsApp or other electronic modes cannot be considered or recognised as an alternative or substitute to the mode of service recognised and prescribed under the CrPC, 1973/BNSS, 2023." Luthra cited earlier SC judgments that had barred police from arresting a person suspected to have committed an offence punishable

with imprisonment of less than seven years without first complying with the mandatory process provided under Section 41A of CrPC.

On the issue of many poor undertrial prisoners languishing in jail as they could not furnish bail bond and sureties, the amicus informed that National Legal Services Authority has in principle agreed to release such prisoners on depositing their verified Aadhaar cards along with personal bonds.

However, since the modalities for implementation of such a procedure for grant of bail to such prisoners on personal bond along with deposit of Aadhaar card were to be worked out, the bench allowed the amicus to further discuss with NALSA to evolve a procedure in this regard.

MARCH 1, 2025

P1

SC: GST, Customs staff can arrest, but must adhere to CrPC norms

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New Delhi: Supreme Court ruled on Thursday that Customs and GST authorities had the power to carry out arrests but could not do so without adhering to the safeguards provided under the CrPC for personal liberty of the accused.

Introducing safeguards to protect the liberty of those facing charges under the Customs and GST Acts, the SC said officials could not take custody of people for alleged violation of the two laws without informing them of the grounds of arrest and laying out "reasons to believe" that s/he had committed an offence under these revenue laws. It said a person who apprehended arrest was entitled to seek anti-



M Trivedi found force in the argument of the petitioners that assesseees were compelled to pay tax as a condition for not being arrested and said this was unacceptable and violated rule of law.

"We would observe that in case there is a breach of law, and the assesseees are put under threat, force or coercion, the assesseees would be entitled to move courts and seek a refund of tax deposited by them. The department would also take appropriate action against the officers in such cases," the bench said.

ciatory bail.

A bench of Chief Justice Sanjiv Khanna and justices M M Sundresh and Bela

The bench upheld amendments in 2012, 2013 and 2019 to the Customs and GST Acts classifying certain offences as cognisable and non-bailable while rejecting the challenge to their validity by as many as 280 petitions. It upheld the powers of Customs and GST officials to summon an assessee while clarifying that mere summoning did not make the person an accused.

"Challenge to constitutional validity, as the right of the authorised officers under the Customs Act and the GST Acts to arrest, are rejected and dismissed with elucidation and clarification on the pre-conditions and when and how the power of arrest is to be exercised," the bench said.

► **Legality of arrest, P 6**

SC lays down test to examine legality of arrest

►Continued from P 1

Reading in the entire arrest procedure under CrPC, along with additional safeguards created by SC judgments, into the Customs and GST Acts, the bench said as these two laws didn't come with complete codes on search and seizure, and arrest, the provisions of CrPC would apply unless expressly excluded.

Writing the main opinion, CJI Khanna said the safeguards it had penned in the Arvind Kejriwal vs Enforcement Directorate judgment relating to arrest under Prevention of Money Laundering Act would apply to arrest procedures under Customs and GST Acts.

Customs and GST officials

now must follow the following procedure — a. The officer must have material in his possession (to effect arrest); b. Based on such material, the authorised officer should form and record in writing, 'reasons to believe' that the person to be arrested is guilty of an offence punishable under the concerned Acts; c. The person arrested, as soon as may be, must be informed of the grounds of arrest — and also the doctrine of proportionality (mere questioning will serve the purpose or is arrest essential).

The SC said, "Courts may employ this four-part doctrinal test in their examination of the legality of arrest as arrest often involves contestation between the fundamental right to life and liberty of indi-

viduals against the public purpose of punishing the guilty."

The bench said unbridled exercise of power to arrest without warrant (for cognisable and non-bailable offence, the police must obtain an arrest warrant from court) could result in arbitrariness and errors in decision-making and such errors made by Customs and GST officials could lead to a frustration of constitutional and statutory rights of the arrested person.

CJI Khanna said, "The investigating officer is also required to look at the whole material and cannot ignore material that exonerates the arrestee. A wrong application of law or arbitrary exercise of duty by the designated officer can lead to illegality in the

process. The court can exercise judicial review to strike down such a decision."

While GST officials arrested three people in 2017-18, the numbers increased dramatically in subsequent years: in 2018-19 it was 191; 231 in 2019-20; 460 in 2020-21; 342 in 2021-22; 190 in 2022-23; and 223 in 2023-24.

In a separate but concurring opinion, Justice Trivedi said the safeguards against arrest under CrPC as well as those penned by the SC "ensure that the authorised officers do not act arbitrarily, but make them accountable for their judgment about the necessity to arrest any person as being involved in the commission of offence of money laundering even before filing of the complaint before the special court under the Act".

20 Feb 2025

P-1

SC slams YouTuber but shields him from arrest

Seeks Help To Regulate Social Media Content

Dhananjay Mahapatra
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New Delhi: Supreme Court on Tuesday condemned influencer Ranveer Allahbadia for his offensive remarks on the 'India's Got Latent' show but shielded him from arrest in FIRs lodged in various states.

The court sought assistance of top law officers to "devise something" to stop "anything and everything" from being broadcast on social media under the guise of free speech.

A bench of justices Surya Kant and N. K. Jaisankar gave Allahbadia interim protection from arrest in connec-

“ The words you (Ranveer Allahbadia, pic) have chosen **will put to shame every parent, daughters, sisters as well as brothers and society as a whole**

People cannot decide who is right or wrong, and punish a person by taking the law into their own hands. We strongly disapprove such extension of threats to Allahbadia. But **there is no actual threat to your life. As there are only three FIRs, you go and defend yourself**



Only because a litigant can afford to approach the highest court straightaway, can he demand that he does not want to go to so many places and that investigations be carried out at a place of his choice... the state will extend requisite protection to him

— SC Bench

tion with FIRs registered in Thane, Guwahati and Jaipur but restrained him and his associates from airing any show till further orders. The YouTuber had made the offensive remarks as one of the panelists in comedian Samay Raina's show, which was launched last June.

The bench said: "There is complete lack of responsi-

bility and the behaviour is condemnable. He thinks he is popular and can say anything taking the entire society for granted and get away with it. Would anyone... like the kind of words he used? There is something very dirty in his mind that has been vomited out in this programme."

► 'Devise something', P 6

'Devise something' to tackle online content: SC to AG & SG

► Continued from P 1

As Allahbadia's counsel said the petitioner was getting life threats, the bench told him to approach the local police for protection but asked him not to take his lawyers along while joining the investigations. SC ordered him to deposit his passport with the investigating officer at Thane and barred him from travelling abroad without the apex court's prior permission.

Alarmed by the deteriorating standards of language and content in certain programmes broadcast on social media, the bench sought assistance of attorney general R Venkataramani and solicitor general Tushar Mehta during the next hearing in "devising something" to regulate "anything and everything" being aired on certain websites and internet channels in the name of right to freedom of speech and expression.

As Abhinav Chandrachud defended the controversial

remarks by attempting to differentiate them from vulgarity or obscenity, Justices Kant and Singh asked, "If this (the controversial statement) is not obscenity, then what is that standard or parameter of obscenity? Do you have a licence to speak all kinds of vulgarity and exhibit your depraved mind anywhere and at any time?"



Allahbadia

Citing SC rulings in Arnab Goswami, Amish Devgan and Apoorva Arora cases, Chandrachud sought clubbing of the FIRs at one place and said Allahbadia's statement is not so grave as to invite criminal prosecution. He said SC has explained what is obscenity in the Apoorva Arora case and had said anything that invites disgust and revulsion may not necessarily invite criminal prosecution. Profanity is not obscenity, he said.

Justice Kant asked, "Does Apoorva judgment give you the licence to utter all kinds of nonsense? Look at the depraved and disgusting language you are using? The

words you have chosen will put to shame every parent, daughters, sisters as well as brothers and the society as a whole. Everyone will feel ashamed by the pervert mind you and your henchmen have exhibited."

On Allahbadia being threatened on social platforms, the bench said, "If someone commits a wrong, he would be dealt with by law. People cannot decide who is right or wrong and punish a person by taking law into their own hands. We strongly disapprove such extension of threats to Allahbadia. But there is no actual threat to your life. As there are only three FIRs, you go and defend yourself."

"Only because a litigant can afford to approach the highest court straightaway, can he demand he does not want to go to so many places and that the investigations should be carried out at a place of his choice? If he is getting threats, the state will extend requisite protection," it said. The bench said the Guwahati FIR is very different

from the Thane FIR as the former is more comprehensive and also refers to "dirty, humiliating and insulting language used against the residents of Arunachal Pradesh. There are different ingredients mentioned in the two FIRs."

In a lighter vein, it said, "If you can try to get cheap publicity by using abusive language, then someone would try to get cheap popularity by threatening on social media. Every day it happens."

Chandrachud said the petitioner's mother is a doctor and that her patients are abusing her at the clinic. The bench said, "He should be ashamed of the mess he has created for himself and pain he has caused to his parents. We know from where he has copied. We know how he has copied from an Australian programme and how which actor's dialogue he has stolen. But these foreign programmes contain all kinds of precautions. But you do not care about putting out those precautions for the public."

THE TIMES OF INDIA

22 Jan 2025

P 1

SC: No sense in arrest after filing chargesheet

Despite SC directions from Supreme Court to restrain probe agencies from arresting an accused in a routine manner, particularly when it's not needed, they have had very little impact on ground. The SC has come to know that in UP arrests are often made after filing of chargesheets, which it said, "makes no sense".

A bench of justices J B Pardiwala and R Mahadevan said there was no point in arresting a person once the investigation in the case was complete.



NEWS RELATED TO BAIL

The Times of India

January 19, 2020

P-1

PMLA accused in jail for over a yr sans chargesheet can be given bail, says SC

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New Delhi: SC on Friday said an accused who had spent one year in jail and charges had still not been framed in the money laundering case against that person could be considered for bail per its verdict in the Senthil Balaji case.

The apex court has been granting bail to accused in money laundering cases after reading down the stringent bail provisions of PMLA by ruling that delay in trial and long incarceration could be grounds for grant of bail. But till now, it had not specified the period beyond which a PMLA accused could not be kept in custody. The time-frame of one year will help

bring uniformity for courts to deal with bail pleas.

A bench of justices Abhay S Oka and Ujjal Bhuyan clarified the one-year period while hearing the bail plea of Arun Pati Tripathi, an accused in the Chhattisgarh excise case who was arres-

► 'PMLA not tool...' P 8

ted by ED on Aug 8 last year. As he has spent only around five months in custody, the court expressed reservation in granting bail.

Senior advocate Meena-kshi Arora and advocate Mohit D Ram pleaded that the accused had actually spent 18 months in jail as ED had taken him in custody in Aug and before that, he was in jail for a predicate offence.

P-8

'PMLA no tool to detain accused for long'

► Continued from P 1

However, the bench said it could not be considered for grant of bail and agreed to examine the issue on Feb 5. The SC verdict in the Senthil Balaji case had held that stringent provisions such as Section 45(1)(iii) of PMLA could not become a tool to incarcerate accused without trial for an

unreasonably long time and it did not confer power on the state to detain an accused for a prolonged period.

The hearing witnessed an unexpected turn at the outset as additional solicitor general S V Raju, appearing for ED, told SC that an affidavit filed by the agency was not vetted through the proper channel. He said there was something "fishy" in

the way the affidavit was filed and asked the ED director to hold an inquiry.

The SC expressed surprise that ED could disown its own affidavit and questioned the role of the advocate-on-record through whom documents are filed. The senior law officer clarified that the AoR filed was based on what he was given by the department and the fault lay

within the agency. The court, thereafter, asked ED's AoR to appear before it.

Later, Raju said while the person handling filing work, being new to the job, may not have followed the procedure fully, the affidavit contained all valid arguments and grounds. The ASG and solicitor general Tushar Mehta gave a clean chit to the AoR.

f10

THE TIMES OF INDIA, KOLKATA
WEDNESDAY, NOVEMBER 27, 2024

Arpita gets bail after 857 days in custody

Follows SC Order On Identifying Eligible Undertrials

Rohit Khanna &
Subrata Chatteraj | TNN

Kolkata: Arpita Mukherjee, a close associate of former education minister Partha Chatterjee, who was arrested in the SSC jobs-for-cash scam by ED, was released on bail by the special PMLA court on Monday. Mukherjee, who was in custody for 857 days, has served one-third of the sentence she is liable to under the PMLA section she is charged with. The development comes on the heels of the Supreme Court's direction to grant bail to undertrials, especially women, who had been incarcerated for one-third of the maximum punishment prescribed.

Mukherjee's lawyer, Niladri Bhattacharya, who cited the recent SC order, said: "The judge has passed necessary orders and has released her on bail on furnishing a bond of Rs 5 lakh with adequate sureties. She will not leave the jurisdiction of Kolkata Police without the court's leave."

SC last week directed jail superintendents across the country to identify undertrial prisoners, especially women, who had undergone incarceration for either one-third or half of maximum punishment prescribed for offences of which they were accused. Under BNS Section 479, it ordered the superintendents to send their cases to courts concerned for the grant of bail.

In a four-hour-long argument in the court of special PMLA Judge Suwendu Saha, ED opposed the bail prayer: "She was entangled in various unaccounted money being recovered from her flat. She can destroy evidence if out on bail," the agency's lawyer Phiroze Edulji said. Bhattacharya argued that ED had completed the investi-



Arpita Mukherjee has served one-third of the sentence she is liable to under the PMLA section she is charged with

Partha bail plea reassigned to 3rd judge

The bail application of former state education minister Partha Chatterjee and four other accused in the SSC (School Service Commission) recruitment scam case was reassigned to the bench of Justice Tapabrata Chakraborty on Monday, report **Srishti Lakhota & Subrata Chatteraj**.

This development comes days after the division bench of justices Arijit Banerjee and Apurba Sinha Roy gave a split verdict in the case. While Justice Banerjee approved bail for all ten accused who appealed before the bench, Justice Roy denied bail to Chatterjee and former education department officials Santi Prasad Sinha, Ashok Kumar Saha, Kalyanmoy Gangopadhyay, and Subiresh Bhattacharya.

Ex-min's 'associate' Santu held by CBI

The CBI arrested Santu Gangopadhyay, a 'close associate' of former education minister Partha Chatterjee, in connection with the teachers recruitment scam on Monday. The agency said Gangopadhyay laundered crores of ill-gotten wealth. Gangopadhyay was questioned by CBI officers at Nizam Palace for hours before arrest. Earlier, his name had appeared in the ED chargesheet. Gangopadhyay, a resident of Behala, had connections with other accused in the case — Kuntal Ghosh, Shantanu Banerjee, and Ayan Sil. **TNN**

gation and the prosecution complaint or chargesheet was filed on Sept 19, 2022. He also pointed out that both Manik Bhattacharya and Kuntal Ghosh, accused in the same case, were out on bail.

In his order, the judge noted that Mukherjee had been detained in jail for more than two years and four months and was "entit-

led to be released being the first-time offender having completed her detention for one-third of the maximum period of imprisonment specified for section 4 of PMLA, 2002." Soham Banerjee, another lawyer for Mukherjee, said since her parole was to expire on Tuesday, she was at her mother's residence at Belgharia.

Identify all undertrials eligible for bail, SC tells jail authorities

Orders Spl Drive To List Such Women Inmates

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New Delhi: Supreme Court on Tuesday asked jail superintendents to identify all undertrial prisoners, including women undertrials, who have undergone incarceration for one-third or half of the maximum punishment prescribed for offences they are accused of and send their cases to courts concerned for grant of bail.

- A bench of justices Hrishikesh Roy and S V N Bhatti passed this order and said, "We are looking at the last person who is behind the walls of prisons and whose voice we are not able to hear. We should not miss a single prisoner who is eligible for grant of bail under Section



Per prison statistics of 2022, out of 5,73,220 prisoners, 4.1% or 23,772 are females, of whom 80% are between 18-50 years

479 of BNSS."

"Jail superintendents must undertake a special drive to identify women undertrial prisoners, some of whom may be lodged with their young children, would be eligible for bail under Section 479," the bench said. After hearing amicus curiae Gaurav Agrawal and NALSA counsel Rashmi Nandkumar, who placed statistics about implementation of SC's earlier orders directing expedi-

tious release of undertrial prisoners, the bench expressed surprise over many undertrials, who are first time offenders, not being granted bail by trial courts.

Section 479 provides: "Those undertrial prisoners, not facing charges in heinous offences attracting a maximum punishment of life/death sentence, would be released on bail if they have served one-third of the maximum imprisonment prescribed for the offence (first time offenders) or half of the maximum period of imprisonment (for other accused undertrials)." However, it provided that those facing trial in multiple cases cannot avail this liberal bail provision.

SC had also in its earlier orders mandated compliance of Section 479(3), which provided, "The superintendent of jail, where the accused person is detained, on completion of one-half or one-third of the period of incar-

ceration, shall forthwith make an application in writing to the Court to proceed for the release of such person on bail. This is similar to Section 436A of the criminal procedure code."

Per prison statistics of 2022, out of 5,73,220 prisoners, 4.1% or 23,772 are females, of which 80% are between the age of 18-50 years. The bench also flagged another issue — an undertrial prisoner may initially be arrested for a heinous offence, but the court may frame charges for a lesser offence, which does not provide for life/death sentence as maximum punishment. The bench said the prison records may not be getting updated after framing of lesser charges by the court and their cases would not be getting recommended for grant of bail on serving of one-third or half of the punishment prescribed for lesser offence. It asked jail superintendents to verify such cases and take steps under Section 479 of BNSS.

19 Feb 2025

P-1

Bail OK in PMLA cases if accused is in custody for long without trial: SC

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New Delhi: Responding to the argument that the verdict passed last week by a Supreme Court bench, that twin conditions must be followed while granting bail in PMLA cases, was inconsistent with earlier rulings, another bench of the court on Monday clarified that there was no conflict as the issues of delay in trial and prolonged incarceration were not before the first bench that was dealing with an accused who had been in jail for seven months.

The SC, in various rulings involving AAP's Arvind Kejriwal and Manish Sisodia, and DMK's V Senthil Balaji, has ruled that an accused who has been in custody for a long time could be granted bail despite stringent twin conditions in PMLA if there was no chance of trial being concluded in the near future.

TOUGH NORMS

➤ SC has held bail can be given despite stringent twin conditions under PMLA if accused **in custody for long and no chance of trial being concluded in near future**

➤ **Twin conditions:** Prosecutor must be allowed to oppose plea & court must be satisfied accused not guilty, not liable to commit offence on bail

➤ Bench says in last week's case, **accused was in jail only for seven months**

Accordingly, the court granted relief to Kejriwal, Sisodia and Balaji.

While quashing bail to the accused in a money laundering case, a bench of justices Bela M Trivedi and Prasanna B Varale last Thursday held that bail should be given only when the twin conditions under PMLA were fulfilled.

► Courts must speak... P 4

NATION

Courts must speak in one voice, say top advocates

► Continued from P 1

A bench of justices Bela M Trivedi and Prāsanna B Varale said courts should refrain from taking a casual or cursory approach while granting such relief as the offence of money laundering posed serious threat not only to the financial systems of the country but also to its integrity and sovereignty and could not be regarded as an ordinary crime.

Section 45 (of the PMLA) imposes two conditions for grant of bail to any person accused of an offence punishable for a term of imprisonment of more than three years under Part A of the Schedule. The two conditions are that (i) the prosecutor must be given an opportunity to oppose the application for bail; and (ii) the court must

be satisfied that there are reasonable grounds for believing that the accused person is not guilty of such offence and that he is not liable to commit any offence while on bail.



"As well settled, these two conditions are mandatory in nature and they need to be complied with before the accused person is released on bail," the bench of Justices Trivedi and Varale had said.

Appearing before a bench of Justices Abhay S Oka and Ujjal Bhuyan on Monday, senior advocates Sidharth Luthra and M R Shamshad said different benches of the apex court had not been taking a consistent approach which was creating confusion. They said courts should speak in one voice and added that the SC's earlier verdicts were perhaps not

brought to the bench's notice which passed the verdict quashing bail.

Solicitor general Tushar Mehta told the bench that there was no inconsistency as the accused in that case had spent just seven months and 18 days in custody which could not be deemed to be long incarceration. He said the accused was not in custody for more than a year and that was perhaps why the bench did not rely on the SC's verdict in the Senthil Balaji and other cases.

The bench, thereafter, perused last week's verdict and clarified that the SC's ruling in cases, including Balaji and Kejriwal, was not applicable and that was perhaps the reason why it was not relied upon. It then granted bail to the accused in the money laundering case in which he has been in custody since Dec 2023.

19 Feb 2025

P-11

Accused has right to speedy trial, can get bail if it is delayed, says SC

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New Delhi: Noting that an accused has a fundamental right to speedy trial, irrespective of the seriousness of his offence, SC has held that keeping an undertrial prisoner in jail for six to seven years without verdict amounted to violation of his rights and bail could be granted to him. It released an accused, who is being prosecuted under UAPA, on bail as he had been in custody for last five years.

A bench of Justices J B Pardiwala and R Mahadevan questioned the tendency of prosecuting agencies to examine a large number of witnesses during trial which resulted in delay. It said time has come to consider issue of delay and bail in its true and proper perspective to protect the interest of an accused who suffers and is not even compensated financially



if acquitted after long incarceration. "We may sound as if laying some guidelines, but time has come to consider this issue of delay and bail in its true and proper perspective. If an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 has been infringed," it said.

It added, "The accused are not compensated for what might be a lengthy period of pretrial incarceration. They may have lost a job or accommodation, experienced damage to relationships while incarcerated, and spent considerable money on legal fees. If an accused is found not guilty, they have likely endured months of being stigmatised and even ostracised in their community and will have to rebuild their lives with their own resources."

15 Dec, 2024

SC grants prospective bail to Partha in teachers' job 'scam'

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New Delhi: Seeking to balance the rights of an accused with the gravity of offence he has been charged with, Supreme Court on Friday granted prospective bail to former Bengal education minister Partha Chatterjee from Feb 1 in a money laundering case related to the teachers' recruitment 'scam' and directed the trial court to decide on framing of charges and record statements of vulnerable witnesses by then.

A bench of Justices Surya Kant and Ujjal Bhuyan

DIRECTIVES FOR FEB 1 BAIL

- > Prior to release on bail, trial court must decide on framing of charges before Dec 31 and fix a date within 2nd or 3rd week of Jan for recording statements by witnesses who are most material or vulnerable
- > If trial court frames



charges against him, Partha Chatterjee will have the right to appeal. But appellate court can't stay trial during pendency of the appeal

- > Chatterjee's bail will be cancelled if he is found to have influenced/threatened witnesses directly or indirectly

struck an innovative balance to tackle the classical dilemma in administration of justice — while the accused couldn't be kept in custody indefinitely as that would amount to punitive deten-

tion, the scales of justice could not be balanced if affluent and influential accused obstructed probe or tampered with evidence.

► A new concept, P 8

SUNDAY TIMES OF INDIA, KOLKATA
DECEMBER 15, 2024

Prospective bail a new concept after SC order

► Continued from P 1

As part of the reconciliation of the two imperatives, the Supreme Court bench said Partha Chatterjee could continue as an MLA but would not be appointed to any public office during pendency of the trial. The restraint on holding public office is significant as it marks the crystallisation of the judicial reasoning first witnessed in SC's dismay over re-appointment of Senthil Balaji as minister in Tamil Nadu soon after apex court released him on bail in a money laundering case. The order pointed to the emergence of prospective bail as a new concept as it was only on Thursday that a different bench, while upholding the bail plea of an accused in a money laundering case, ruled that he would not come out for another two months.

Chatterjee's right as an accused and his bail plea must be juxtaposed with broader societal harm caused by his



alleged action of taking bribe to recruit undeserving candidates as teachers while depriving deserving candidates their future, the bench said. While passing the prospective bail order, the bench cited the statement of Arpita Mukherjee, a co-accused in the case, fearing threat to her life from Chatterjee.

Prior to release of Chatterjee on bail, the bench said the trial court must decide on framing of charges before Dec 31 and "fix a date within the second and third week of Jan for recording statements of such prosecution witnesses who are most material or vulnerable. All such witnesses, especially those who have

expressed apprehension of danger to their lives, will be examined on these dates".

Asking Chatterjee and his counsel to cooperate with the trial court, the bench said if the trial court framed charges against him, he would have the right to appeal against it. It restrained the appellate court from staying the trial during pendency of the appeal against framing of charges.

Fixing an outer limit of Jan 31 for completion of recording of statements of vulnerable and important witnesses, the bench said while Chatterjee would be released on bail on Feb 1, his bail would be cancelled if he was found to have influenced witnesses. SC asked him to appear without fail before the trial court on every hearing, and attempts to delay or stall the trial would entail cancellation of bail.

20 Dec 2024

P-7

No court can dictate format for grant of bail, says SC

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New Delhi: Giving trial courts full discretionary freedom in formulating their decisions in bail matters, Supreme Court has ruled that no constitutional court, be it SC or HC, can dictate a format for grant of bail to accused to be mandatorily followed by judicial officers.

The court quashed proceedings initiated by Rajasthan HC against district and sessions judge Ayub Khan for not sticking to the format devised by it that mandated specifying the criminal antecedents of the accused in a tabular form while granting bail.

The bench of Justices A S Oka and A G Masih also expunged all adverse remarks against Khan and said injustice had been done to him by



The court quashed proceedings initiated by Rajasthan High Court against district and sessions judge Ayub Khan

HC as "non-compliance of the format stipulated by HC cannot be treated as an act of indiscipline or contempt". Writing the judgment, Justice Oka said, "No court can direct trial courts to write orders on bail applications in a particular manner. One judge of a constitutional court may be of the view that trial courts should use a particu-

Court doors always open: SC after Punjab says farmers refusing talks

Punjab govt on Wednesday informed SC that though meetings were held with Jagjit Singh Dallewal, who is on an indefinite fast at Khanauri border, and other farmers, they had refused to interact with its high-powered committee. SC was informed by Punjab AG that the committee invited farmers on Dec 17, but they declined to engage in a dialogue.

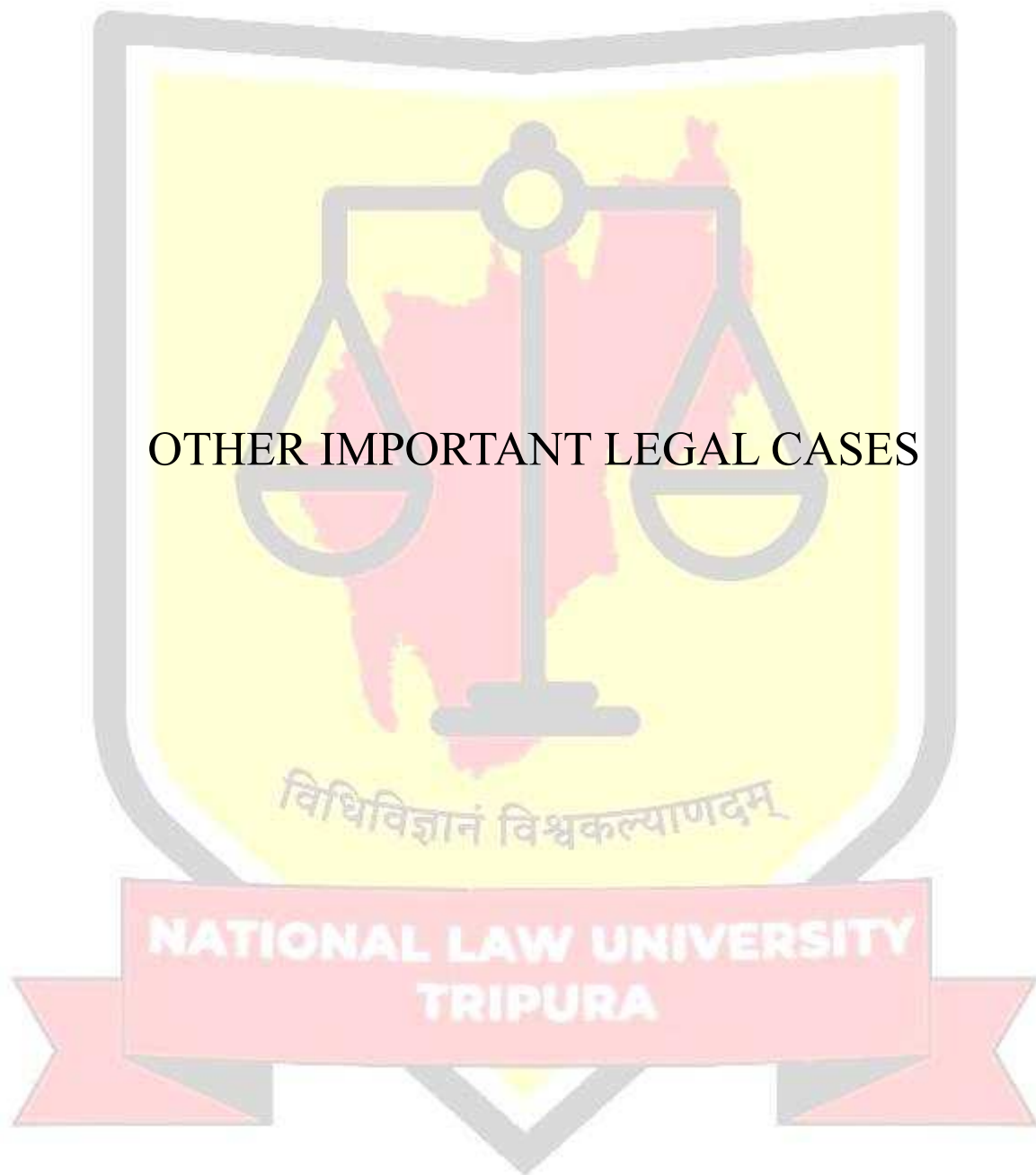
Singh said the state govt suggested their demands could be directly submitted to court. "We clarify that court's doors are always open to any suggestion... by farmers directly or through their authorised representative," the bench said. PTI

lar format. The other judge may be of the view that another format is better."

Senior advocate Sidharth Luthra told the bench that HC was rather harsh in its judgment to indict the judicial officer despite his explanation that though he had referred to criminal antecedents of the accused, he had missed out tabulating them. SC said it was

inappropriate on the part of the HC to seek explanation from a judicial officer through a judicial order.

The bench said: "With the utmost respect to the high court, undertaking such an exercise was a waste of precious judicial time of the high court which has a huge pendency." The HCs are facing a pendency of 62 lakh cases.



The Times of India

January 29, 2025

P-12

SC delivers split verdict on C'garh Christian tribal's burial

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New Delhi: A division bench on Monday delivered a split verdict on the controversy over the burial of a Christian tribal in Chhattisgarh. One judge termed denial of burial in his village by local and state authorities "hostile discrimination" on the basis of religion and allowed burial on his private land, while the other judge said that a family could not claim unqualified right to choose the place of burial and held that the last rites must be performed at the place demarcated for the community, which is 20-25 km away from the village.

Taking note that the body was lying in a mortuary for the past three weeks and making reference to a larger bench or to a third judge would further delay his last rites, a bench of Justices B V Nagarathna and Satish Chandra Sharma di-

Taking note that the body was lying in a mortuary for the past three weeks, the court directed that the funeral be conducted at the burial ground in another village

rected that the funeral be conducted at the burial ground demarcated for Christians in another village. The bench said that it was passing the order "bearing in mind judicial stewardship and to alleviate the predicament and suffering of the appellant and his family".

The bench passed the order on the plea of the son who had approached the court to conduct the last rites in his native village, which was not allowed by villagers. While Justice Nagarathna allowed his plea, Justice Sharma rejected his submission. Stating that death was a great leveller, Justice Nagarathna ruled that this case demonstrated that the death of a resident of a village could also give

rise to divisiveness and disapproved the conduct of the panchayat and state authorities for discriminating on the ground of religion and held "this is nothing but a violation of Article 14 and Article 15(1) of the Constitution which speak of equality before the law and the equal protection of the laws..."

Justice Sharma, however, emphasised that no one could claim to have absolute and unqualified right to conduct last rites at the place of one's choice and held that there was no need to invoke Article 142 to allow the plea of the petitioner. "It is well settled that right(s) protected under Article 21 of the Constitution are subject to procedure established by law which is required to be just, fair and reasonable.

The Times of India

January 19, 2025

D-8

8

TIMES

SC: Can't slap abetment charge mechanically to harass accused

'Police, Courts Must Exercise Great Caution'

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New Delhi: Expressing concern over misuse of Section 306 of IPC pertaining to abetment to suicide, SC on Friday said prosecuting agencies should be sensitised not to "mechanically frame charges" to subject people to a totally untenable prosecution just to "assuage the feelings" of the family of the deceased.

A bench of justices Abhay S Oka and K V Viswanathan said, "This court has, over the last several decades, repeatedly reiterated the higher threshold mandated by law for Section 306 IPC (now Section 108 read with Section 45 of Bharatiya Nyaya Sanhita, 2023) to be attracted. They, however, seem to have been fol-



PROSECUTION ALERT

lowed more in the breach."

The apex court said that the conduct of the "proposed accused" and the deceased, their interactions and conversations preceding the death should be approached from a practical point of view and not divorced from day-to-day realities of life.

"Hyperboles employed in exchanges should not, without anything more, be glorified as an instigation to commit suicide... Trial courts also should exercise great caution and circumspection and should not

Breaking up not abetment to suicide: HC

The Nagpur bench of Bombay HC has ruled that breaking off a relationship or refusing to marry does not constitute abetment to suicide, reports Vaibhav Ganjapure. Discharging an accused, it said that the relationship ended in July 2020, while the woman died by suicide five months later. The judge emphasised the "temporal gap between the two events negated any proximate connection between the accused's actions and victim's decision". A suicide note had detailed the woman's emotional distress and the accused's refusal to marry her. The court said a broken relationship, without evidence of direct or indirect instigation or intentional aid, did not amount to abetment to suicide.

adopt a play it safe syndrome by mechanically framing charges, even if the investigating agencies in a given case have shown utter disregard for the ingredients of Section 306," the bench said.

Referring to earlier SC verdicts, the bench said the intention of the accused to aid or to instigate or to abet the deceased to commit suicide was a must for attracting Section 306.

It also said a word uttered in a fit of anger and emotion without intending the consequences to actual-

ly follow could not be said to be instigation.

In order to bring a case under Section 306 IPC there must be a case of suicide and in its commission, the person who is said to have abetted the suicide "must have played an active role by an act of instigation or by doing certain acts to facilitate the commission of suicide. Therefore, the act of abetment by the person charged with the said offence must be proved and established by the prosecution before he could be convicted under Section 306 IPC," it said.

THE TIMES OF INDIA

20 March, 2025

P6

SC: CBI must probe builder-bank nexus

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New Delhi: Taking strong exception to real estate firms and banks making "homebuyers cry" by not completing projects on time and forcing them to pay EMIs, SC on Tuesday said a CBI probe was needed to unearth the nexus between them and sought a proposal from the agency on how it intends to conduct the investigation, which could bring many realtors under the scanner.



A bench of Justices Surya Kant and N Kotiswar Singh said the builder-bank nexus had created havoc, leaving lakhs of homebuyers suffering and it was ultimately SC which was coming to their rescue. It said SC was dealing with multiple cases of homebuyers of different projects on a daily basis, and it was not the court's job. Considering that the proposed probe against builders and banks would be a huge exercise, the bench sought the assistance of former Intelligence Bureau chief Rajiv Jain.

The court was hearing petitions filed by thousands of homebuyers who had booked flats under subvention plans in various housing projects in NCR and alleged that they were being forced by banks to pay EMIs despite not getting possession of their flats because of inordinate delay by developers. Under the subvention scheme, banks disburse sanctioned amount directly to the accounts of builders, who pay EMIs on the amount till flats are handed over to homebuyers.

Realising the fallout of a CBI probe, some financial institutions urged the court not to bring the agency into the picture as it would create instability and requested that RBI be asked to look into the matter.

THE TIMES OF INDIA
8 Nov, 2024

P1

Can't take bulldozer action without due process: SC

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New Delhi: The Supreme Court on Wednesday barred authorities from using bulldozers to demolish encroachments or illegal constructions for road projects across India without following due process, which includes serving prior notice, conducting adjudication and awaiting court decisions. The days of announcing removal of encroachments with loudspeakers are over, the SC said.

The SC bench of Chief Justice D Y Chandrachud and justices J B Pardiwala and Manoj Mishra criticised the UP govt for high-handedness after the Maharajganj collector demolished a house to widen NH-703. "Private properties need some protection and there has to be some accountability fixed for those resorting to demolitions using state power," it said.

Awarding an interim

'Need sanction for PMLA case on govt official'

In another verdict defanging the stringent PMLA and to protect honest public servants discharging their duties, the SC Wednesday ruled that prior sanction of govt is needed to prosecute a govt employee in a laundering case and that CrPC's Sec 197 on sanction would be applicable in PMLA cases also. The bench rejected the ED's submission that PMLA provisions have an overriding effect over other statutes, including the CrPC on the issue of sanction. **P5**

compensation of Rs 25 lakh to the person whose house was demolished, the bench directed the UP chief secretary to initiate inquiry into the illegal demolitions carried out by the collector, other offici-

Was survey done, law followed in Bahraich: HC

The Lucknow Bench of Allahabad HC has asked UP govt whether a survey and demarcation were conducted according to the law, before issuing notice to alleged encroachers in the Bahraich "demolition notice" case. The court also sought information from state govt on other points and has fixed Nov 11 for the next hearing. Justices AR Masoodi and Subhash Vidyarthi passed the order on a PIL by Association for Protection of Civil Rights. **TNN**

als and the contractor in 2019.

The person had written to the SC on Oct 4, 2019, about incidents of illegal demolitions, which were taken up suo motu. The last hearing took place on Jan 4, 2021.

Dusting off the case file four years later, the bench noted that no material had been provided by UP govt's counsel, Tulika Mukherjee, to justify the demolitions, which involved 123 houses, including that of the complainant, for a road-widening project.

He had also simultaneously written to NHRC, which like the district commissioner, had given an adverse finding against the collector. Senior advocate Siddharth Bhatnagar told the court that NHRC's directions for initiation of proceedings against wrongdoers has not yet been complied with and no compensation has been paid to the petitioner Manoj Tibrewal Akash for illegal demolition of his ancestral house.

Repeatedly referring to the UP bureaucrat's actions as high-handed, the bench laid down guidelines for authorities across India to follow when removing unauthorised constructions.

THE TIMES OF INDIA

8 Nov, 2024

p-5

THE TIMES OF INDIA, KOLKATA
FRIDAY, NOVEMBER 8, 2024

TIMES NATION

5

Govt nod must for PMLA case on public servant, says SC

Court Offers Protection To Honest Officers

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of sanction. Extending the ambit of Section 197(1) to PMLA on money laundering cases, the bench said the object is to protect public servants from prosecutions and to ensure that they are not prosecuted for anything they do in the discharge of their duties.

"This provision is for the protection of honest and sincere officers. However, the protection is not unqualified. They can be prosecuted with a previous sanction from the appropriate govt." the bench said while dismissing the plea of the agency.

"Section 65 makes the provisions of the CrPC applicable to all proceedings under the PMLA, provided the same are not inconsistent with the provisions contained in the PMLA. The words 'All other proceedings' include a complaint under Section 44 (1)(b) of the PMLA. We have carefully perused the provisions of the PMLA. We do not find that there is any provision

therein which is inconsistent with the provisions of Section 197(1) of CrPC. Considering the object of Section 197 (1), its applicability cannot be excluded unless there is any provision in the PMLA which is inconsistent with the Section 197(1). No such provision has been pointed out to us. Therefore, we hold that the provisions of Section 197(1) of CrPC are applicable to a complaint under Section 44 (1)(b) of the PMLA," the bench said.

Section 197(1) says when any person who is or was a judge or magistrate or a public servant not removable from his office save by or with the sanction of govt is accused of any offence alleged to have been committed while acting in the discharge of his duty, no court shall take cognisance of such offence except with the previous sanction. The agency contended that Section 71 of PMLA has an overriding effect over the other statutes, including the CrPC and the requirement of obtaining a sanction will be inconsistent with the provi-

sions of the PMLA. It said the act of money laundering could not be considered to have been done in the discharge of official duties which needed protection. But the bench was not convinced and quashed prosecution of a senior bureaucrat for want of sanction.

"Section 65 is a prior section which specifically makes the provisions of the CrPC applicable to PMLA, subject to the condition that only those provisions of the CrPC will apply which are not inconsistent with the provisions of the PMLA. Therefore, when a particular provision of CrPC applies to proceedings under the PMLA by virtue of Section 65 of the PMLA, Section 71 (1) cannot override the provision of CrPC which applies to the PMLA. Once we hold that in view of Section 65 of the PMLA, Section 197(1) will apply to the provisions of the PMLA, Section 71 cannot be invoked to say that the provision of Section 197(1) of CrPC will not apply to the PMLA," the bench said.

New Delhi: In another verdict defanging the stringent law of Prevention of Money Laundering Act and to protect honest public servants in discharging their official duties, Supreme Court on Wednesday ruled that prior sanction of govt is needed to prosecute a govt employee in a money-laundering case and held that Section 197 of Criminal Procedure Code on sanction would be applicable in PMLA cases also.

A bench of Justices Abhay S Oka and Augustine George Masih rejected the submission of ED that PMLA provisions have an overriding effect over other statutes, including CrPC on the issue

19 Feb 2025

P-1

'Enough is enough': SC on pleas over places of worship

3-Judge Bench To Hear Pending Pleas In April

TIMES NEWS NETWORK

New Delhi: As many individuals, organisations, politicians and political parties continue to approach Supreme Court filing applications in support and against the Places of Worship (Special Provisions) Act, 1991, the apex court on Monday said there should be a limit on such applications. The court deferred the case to April, to be heard by a three-judge bench.

"Enough is enough. There has to be an end to this," a bench of Chief Justice Sanjiv Khanna and Justice P V Sanjay Kumar said. It said only

'NEW GROUNDS'

➤ SC hearing petitions related to 1991 Places of Worship (Spl Provisions) Act which mandates religious character of a place be maintained as it was on Aug 15, 1947

➤ Bench dismisses fresh petitions, says intervention plea raising new grounds can be filed

➤ CJ says people keep filing fresh petitions, citing new grounds: 'It will become impossible for us to deal with the petitions besides whatever has already been filed'

those applications that raised some new ground in the case would be allowed. People from various walks of life and priests have filed applications seeking to be heard in the adjudication of the case. The SC was hearing a batch of petitions challenging validity of the Pla-

Agusta: SC bail to 'middleman' James

The SC on Tuesday granted bail to alleged middleman Christian Michel James in the AgustaWestland case being probed by the CBI. The court observed James was in custody for the past six years while the investigation was still underway. James, however, cannot walk out of jail as he faces a related money laundering case and his bail plea is pending in Delhi High Court. PTI

ces of Worship Act, which has become a bone of contention.

A batch of petitions was filed in SC months after the Ayodhya verdict was pronounced, where the bench spoke approvingly of the law. The petitioners, including former MP Subramanian Swamy, As-

hwini Upadhyay, now with BJP, and other Hindu outfits sought to unlock the litigation route for ownership claims over disputed sites like those at Kashi and Mathura, as they challenged the validity of the 1991 act, which barred change in character of religious places after Independence, even through court proceedings.

In Dec 2024, SC directed trial courts to refrain from issuing any substantive orders or conducting surveys of religious structures in cases challenging their religious character, until Supreme Court decides the validity of the act. Various Hindu parties had filed suits before civil courts laying claim to mosques on the ground that those were built over ancient temples. At least 18 suits filed over four religious structures are pending before various courts.

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16 Nov, 2024

P1

Hate speech different from seditious statements: SC

Petition To Curb Secessionist Speeches Junked

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New Delhi: After passing pan-India directions to police to act suo motu against those making hate speeches and harming the social fabric, Supreme Court on Thursday refused to entertain a petition seeking similar action to arrest the trend of seditious speeches openly encouraging anarchy and separatism.

A PIL by 'Hindu Sena Samiti' before a bench of CJI Sanjiv Khanna and Justice Sanjay Kumar had sought the Supreme Court's urgent intervention to prevent what it called the growing menace of politicians, especially those from the opposition, making allegedly provocative public speeches and giving media interviews

'Booze ban put Bihar on wrong side of history'

The 2016 Bihar prohibition law has "for several reasons" ended up "on the wrong side of history", Patna HC has said. Questioning the law's effectiveness in a recent ruling, HC overturned a demotion order issued against a police inspector, who was punished after excise officers seized banned liquor 500m from his station in 2021. It also expressed concerns over how the law has spurred illegal activities and affected the state's poor. **P5**

"prejudicial to national integrity and openly extending threats to the security of the state".

"Members of different political parties, prominent leaders from the opposition, spokespersons and members of organisations have been making public assertions for creation of conditions for secession akin to

Sri Lanka and Bangladesh, calling for resorting to subversive activities and armed rebellion," the PIL said.

However, SC said "there is a striking difference between hate speech and wrong or false assertions or false claims made by people."

The CJI Khanna-led bench said, "Supreme Court had entertained pleas for curbing hate speech as that was harming social harmony. Guidelines have been laid and the court has also issued contempt notices for violation of the guidelines. What you want is very wide. You have gone all over the place. If we entertain this petition, there will be a flood of such petitions and it will become impossible to deal with the issue."

The bench dismissed the PIL saying it could not entertain it. "In case the petitioner has any specific grievance, it can approach the appropriate forum," the bench added.

► 'Affecting our nation', P 5

Hate speech affecting fabric of our nation: SC

► Continued from P 1

SC in April 2023 had given pan-India sway to its Oct 2022 order directing Delhi, Uttar Pradesh, Maharashtra and Uttarakhand police to take suo motu action against those making hate speeches irrespective of the religious community they belonged to.

The court had warned that any hesitation on the part of state police to act against hate speech would be viewed as contempt of the SC

and that appropriate action would be taken against erring officers.

"Hate speech is a serious offence affecting the fabric of the nation and goes to the heart of our republic and about the dignity of people. What we have in our mind is a larger public good and are trying to ensure the establishment of rule of law so that things do not go out of our hands," an SC bench of justices K M Joseph and B V Nagarathna had said in April last year.

SC: All pvt properties don't form 'material resources' of community

New Delhi: Supreme Court by a majority of 7:2 on Tuesday held all private properties cannot form part of "material resources of the community" empowering states to take them over for distribution to serve "common good" under the Constitution.

The judgment of the nine-judge Constitution bench headed by Chief Justice D Y Chandrachud provided clarity on the interpretation of Articles 31C and 39(b) of the Constitution, pivotal provisions concerning the rights of individuals against the state's authority to control resources for public good.

The majority ruling has significant implications for laws impacting property and resource distribution, particularly in Maharashtra, where aging buildings pose severe safety hazards and their restoration was a major issue.

The vexed legal question, which was decided by the top court, was whether private properties can be considered "material resources of the community" under Article 39(b) and taken over by state authorities for distribution to subserve the "common good".

The CJI authored the 193-page majority judgment on behalf of six other judges - Justices Hrishikesh Roy, J B Pardiwala, Manoj Misra, Rajesh Bindal, Satish Chandra Sharma, Augustine George Masih - to decide the two issues.

Also were on the nine-judge bench, Justice B V Nagarathna, who partially concurred with the majority view, and Justice Sudhanshu Dhulia, who dissented from the majority opinion.

The majority judgment did not agree with the view expressed by Justice Krishna Iyer in the case of Rang-

anatha Reddy of 1978 wherein it was held that private properties could be regarded as community resources.

"The direct question referred to this bench is whether the phrase 'material resources of the community' used in Article 39(b) includes privately-owned resources. Theoretically, the answer is yes, the phrase may include privately owned resources," noted the CJI.

The CJI, however, wrote "This court is unable to subscribe to the expansive view adopted in the minority judgment authored by Justice Krishna Iyer in Ranganatha Reddy and subsequently relied on by this court in Sanjeev Coke. Not every resource owned by an individual can be considered a 'material resource of the community' merely because it meets the qualifier of 'material needs.'" P1

► 'Court must find if...', P 7



'Court must find if distribution subserves common good'

► Continued from P 1

The majority view said the enquiry on whether a resource fell within the ambit of "material resource of community" must be based on the nature of the resource; the characteristics of the resource; the impact of the resource on the well-being of the community; the scarcity of the resource and the consequence of such a resource being concentrated in the hands of private players. "The public trust doctrine can also be applied here," said the CJI.

The bench, in its conclusions, upheld Article 31C, which provided immunity to certain laws from judicial scrutiny, "to the extent that it was upheld in Kesavananda Bharati v Union of India remains in force".

The Kesavananda Bharati



The case stemmed from Mumbai, where many pre-1940 structures had become increasingly unsafe due to factors like age, overuse, and damage from environmental conditions

Judgement had held that "the first half of Article 31C granting immunity to laws enacted in furtherance of clauses (b) or (c) of Article 39 (on taking over of properties) against challenges based on Articles 14, 19 and 31 was valid" and the second half of the article excluding judicial review over whether a law in truth furthers the principles set out in clauses (b) or (c) of Article 39 was struck down. The CJI, therefore, noted, "The majority judgement in Ranganatha Reddy expressly distanced itself from the obser-

vations made by Justice Krishna Iyer (speaking on behalf of the minority of judges) on the interpretation of Article 39(b). Thus, a coequal bench of this court in Sanjeev Coke erred by relying on the minority opinion."

The majority verdict said the single-sentence observation in the Mafatlal case that "material resources of the community" included privately-owned resources was not part of the "ratio decidendi" (rationale for the decision) and hence, not binding on the nine-judge bench.

"The term 'distribution' has a wide connotation. The various forms of distribution which can be adopted by the state cannot be exhaustively detailed. However, it may include the vesting of the resources concerned in the state or nationalisation. In the specific case, the court must determine whether the distribution subserves the common good," it said. The top court, however, did not deal with the validity of Chapter VIII-A of the Maharashtra Housing and Area Development Authority (MHADA) Act which was inserted in 1986 to empower state authorities to acquire ceased buildings and the land on which those are built if 70 per cent of the occupants make such a request for restoration purposes. It left the issue of validity of the MHADA provision to be decided by a smaller bench in the light of

present judgement.

The case stemmed from Mumbai, where many pre-1940 structures had become increasingly unsafe due to factors like age, overuse, and damage from environmental conditions.

Despite long-standing legislations, including the MHADA of 1976, which introduced mechanisms to repair and rebuild dilapidated buildings, the issue of structurally unsound housing continues. A contentious part of the MHADA Act — Chapter VI-II-A, allowing the acquisition of such buildings by cooperative societies of occupants — was challenged on constitutional grounds, leading to the present judgement. The top court had heard 16 petitions, including the lead petition filed by the Mumbai-based Property Owners' Association (POA) in 1992. PM

P12

Private Matters

SC ruling on govt acquisition of pvt properties is right & a reflection of how economic policies have changed

Supreme Court's ruling yesterday on Article 39(b) clarified not all private property can be classified as 'material resources of the community' that the state can redistribute for the common good. The Constitution's Article 39(b) mandates that "the state shall...direct its policy towards securing that...ownership and control of...material resources of the community are so distributed as best to subserve the common good." The question before SC was whether private property can be considered part of the 'material resources of the community'.

- **Limiting state intervention** | CJI Chandrachud-led constitution bench underscored in their 7:2 judgment that while some privately held resources could potentially fall under this category, each case requires careful assessment, given context and on case-to-case basis.
- Only those resources of significant impact to community welfare, that have unique characteristics or are scarce and needed for community well-being, may be considered under this provision.



Potential for judicial oversight | The judgment straightaway increases scope of judicial oversight in cases involving resource redistribution or govt's acquisition bids. Expect intense scrutiny of state's claims—for infra projects, for example. Questions will be asked on whether acquisitions genuinely serve public welfare, on the consequence of such resource being concentrated in the hands

of private commercial players, and on whether they meet criteria outlined by this judgment. Private property remains constitutionally protected unless it meets stringent criteria of public interest.

Judicial support for market-driven policy | The judgment is not unexpected, although its discussion outside the courtroom had taken on a tangential political life all its own ahead of Lok Sabha elections. Poll results evidenced that voters did take the misinformation that swirled around the issue with a fistful of salt. That said, it was an unusual day in court. It is rare to find ideologies discussed in Supreme Court judgments, with salty remarks on earlier judges. In their dissent, two of the nine judges strenuously countered the comments against certain political ideology. Justice Dhulia, who wholly dissented the judgment, backed the inclusive meaning given to 'material resources of community', and held that given growing inequality in income and wealth, it wouldn't be prudent to abandon principles on which Articles 38 and 39 are based. In sum, what SC has ruled is that interpretations of constitutional provisions can vary with shifts in economic policies, keeping intact the basic structure doctrine. That is how it is expected to be.

13 Dec, 2024

P1

ED can instruct prosecutor but can't dictate terms: SC

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New Delhi: Observing that a public prosecutor should act in a fair manner, like an officer of the court, Supreme Court on Wednesday said Enforcement Directorate and its director could give instructions related to facts of a case to prosecutors but could not dictate what was to be done by them in court.

Clarifying a trial court order that asked the ED director to instruct its counsel not to oppose bail pleas of accused in cases where trial was delayed because of the agency, SC said it shouldn't

be read that a prosecutor couldn't oppose bail pleas.

A bench of justices Abhay Oka and Augustine George Masih, however, said it was the duty of the prosecutor to take a fair stand.

"We may also note here that the Enforcement Directorate and its director can give instructions to public prosecutors on facts of the case. However, the Enforcement Directorate or its director cannot give any instructions to the public prosecutor about what he ought to do before the court," the bench said.

► 'Duty of prosecutor', P 9

Duty of prosecutor to take a fair stand: SC

►Continued from P 1

The bench said the trial court's order would not bar public prosecutors from opposing bail pleas.

"It is well settled that the public prosecutor has to be fair. If a case is covered by a binding precedent, it is his duty to point out the same to the court. Perhaps the special judge intended to say that when the public prosecutor is satisfied that the trial has been delayed on account of default or conduct on the part of the Enforcement Directorate, the public prosecutor should take a fair

stand," it said.

In a previous hearing, the bench had disapproved the order passed by the trial judge after it was brought to its notice by Enforcement Directorate.



As the Supreme Court has held in various rulings that delay in trial and long incarceration of accused are grounds to grant bail in money laundering cases, trial courts have started granting bail to accused which was earlier denied because of stringent bail conditions under the Prevention of Money Laundering Act.

The Times of India

09/01/2025

P-1

RTI Act can't be made redundant by keeping posts vacant, says SC

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New Delhi: The Supreme Court Tuesday expressed serious concern over the continued vacancies in state and central information commissions and said the Right to Information Act, 2005, can't be made redundant by keeping the bodies dysfunctional.

Arguing for petitioner, RTI activist Anjali Bhardwaj, advocate Prashant Bhushan painted a grim picture of the state of information commissions and said, "Instead of making progress by implementing SC's Feb 2019 judgment, which laid down detailed timelines and transparent processes for appointment of CICs and ICs, the vacancy status has worsened."

"The Centre and states have taken a regressive approach towards implementation of RTI Act... Everyone is tryi-

Collegium backs Patna HC CJ Chandran for SC

The five-judge Supreme Court collegium led by CJI Sanjiv Khanna on Tuesday recommended to the Centre to appoint Patna HC CJ K Vinod Chandran as a judge of SC, and nominated new chief justices for two HCs—Delhi and Bombay.

It recommended transfer of Bombay HC CJ Devendra Kumar Upadhyaya as CJ of Delhi HC. It also recommended the transfer of Telangana HC CJ Alok Aradhe as CJ of Bombay HC. The collegium discussed the names of 3 CJs before reaching unanimity on Justice Chandran.

ng to kill the Act as no govt wants to give out information to citizens," he said.

► 'No info flowing...', P 6

No info flowing to citizens, all trying to kill RTI Act: SC

► Continued from P 1

Taking objections to the Centre's lethargic approach in completing the selection process for appointment of information commissioners to Central Information Commission (CIC) which commenced in Aug last year, a bench of Justices Surya Kant and N K Singh said, "Union govt must tell us in two weeks the outer limit for filling the vacancies. What is the use of creating an institution under a legislation and not keeping it functional?"

The bench was faced with a peculiar position in Jharkhand, where state information commission (SIC) has been non-functional for the last four years.

It was informed selections could not be made because no leader of opposition, who is a member of the selection panel for SIC, has been notified after the Nov assembly polls.

The bench ordered the largest party in opposition, which is BJP, to nominate one of its MLAs for inclusion in the selection panel and directed the state to appoint chief information commissioner and six information commissioners within seven weeks.

Laying down the timeline for compliance, the bench directed all other states to publish a list of applicants for the posts of CICs and ICs within one week, composition of search committee along with selection criteria a week thereafter, completion of interviews in next six weeks, and make appointments in the subsequent two weeks.

The Supreme Court asked the chief secretaries of all states to file compliance reports after eight weeks and asked them to inform the level of pendency before the information commissions.

18 Dec, 2024

P10

SC seeks Centre's response on pan-India women safety norms

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New Delhi: Supreme Court Monday sought Centre's response to a PIL by a women lawyers' association demanding a pan-India safety and security mechanism for protection of women and children from sexual assaults, which, it said, is rising despite stringent laws and repeated interventions from SC.

The contours, width and ambit of the demands in the PIL by SC Women Lawyers' Association was extremely broad and included mandatory chemical castration of convicted rapists, installation of street lights and CCTVs at every nook and corner, martial art training for women and girls for self-defence, ban on free pornography, maintaining a national database of sexual offenders, and no bail to those accused of sexual assault till commencement of trial.

A bench of Justices Surya Kant and Ujjal Bhuyan issued notice after hearing brief arguments from senior advocate Mahalakshmi Pavani, but said the expanse of reliefs sought by the PIL

was so broad that the apex court may find it difficult to direct their implementation. "One of the prayers is to frame a guideline for social behaviour in public transports, which appears to be the need of the hour given the obnoxious attitude and activities of certain passengers, even inside aircraft. The behaviour of travellers on trains, buses and other public transport must

be regulated so as not to offend or harass anyone, especially women and children," the bench said.

From 'Nirbhaya' to 'Abhaya', and to RG Kar incident, cases relating to sexual assault of women and children continue to hit the headlines, Pavani said.

She added that there should be prescribed punishment for journalists who name and shame victims in their reports, and argued that rape survivors must not be subjected to humiliating questioning during cross-examinations before courts.

The petitioner said the court should direct ready access to National Database on Sexual Offenders, maintained by National Crime Records Bureau.



21 Dec 2024

P-1

No leniency for illegal buildings, demolish them: SC to state govts

Long Residence
No Excuse For
Illegality: Court

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New Delhi: Supreme Court has considerably enhanced the elbow room for govts to demolish unauthorised and illegal constructions and encroachments by ruling that properties falling foul of the law cannot be legitimised on the grounds that people have been staying in them for decades and have invested in construction, or that authorities have blinked at the illegalities.

Upholding demolition undertaken by UP govt against certain illegal properties, a bench of justices J B Pardiwala and R Mahadevan said: "Illegality of unauthorised construction cannot be perpetuated. If the construction is made in contravention of the

acts/rules, it would be construed as illegal and unauthorised construction, which has to be necessarily demolished." Authoring the 36-page judgment, Justice Mahadevan said no unauthorised or illegal structure could be legitimised under the ruse of passage of time, long inaction of authorities, or that a substantial amount of money had been spent on construction. "Unauthori-

► **'Don't regularise', P 6**

sed constructions, apart from posing a threat to the life of the occupants and the citizens living nearby, have an effect on resources like electricity, ground water and access to roads, which are primarily designed to be made available in orderly development," he remarked.

Referring to instances of unauthorised constructions getting registered due to collusion of authorities with land mafia, the bench said the power to remove them was independent of Registration Act.

THE TIMES OF INDIA, KOLKATA
SATURDAY, DECEMBER 21, 2024

Don't regularise illegal colonies mindlessly: SC

► Continued from P 1

The bench said, "In any way, registration of a property would not amount to regularising the unauthorised construction." Tackling the issue of prolonged litigations involving such constructions, SC said, "In the event of any violation being brought to the notice of the courts, it must be curtailed with iron hands and any lenience afforded to them would amount to showing misplaced sympathy."

The court also asked state govts not to mindlessly regularise illegal colonies, which can be done only in exceptional circumstances alone. "State govts often seek to enrich themselves through the process of regu-



Regularisation schemes must be brought out only in exceptional circumstances, the SC said

larisation by condoning/ratifying the violations and illegalities. The state is unmindful that this gain is insignificant compared to the long-term damage it causes to the orderly urban development and irreversible adverse impact on the environment," the bench said.

It said, "Hence, regularisation schemes must be brought out only in exceptional

circumstances and as a one-time measure for residential houses after a detailed survey and considering the nature of land, fertility, usage, impact on the environment, availability and distribution of resources, proximity to water bodies/rivers and larger public interest."

It issued a slew of directions to authorities not to allow builders to allot flats without obtaining completion/occupancy certificate concerning all aspects of building bylaws. Financial institutions and banks would sanction loans against any building only after verifying the completion/occupancy certificate. SC asked the registry to send this order to all HCs and state chief secretaries for strict compliance.

19 Dec 2024

P-1

SC collegium pulls up HC judge for VHP event speech

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New Delhi: A five-judge Supreme Court collegium led by CJI Sanjiv Khanna on Tuesday ticked off Allahabad high court's Justice Shekhar Kumar Yadav for his controversial speech at a VHP event and counselled him to maintain dignity of the constitutional post he holds and exercise caution while delivering public speeches.

The collegium, also comprising four other senior judges — justices B R Gavai, Surya Kant, Hrishikesh Roy and A S Oka — had on Dec 10 taken note of newspaper reports of Justice Yadav's Dec 8 speech and sought "de-

tails and particulars" of the speech from the HC for examining the issue, which created a stir among activist lawyers and politicians.

Pursuant to the summons, Justice Yadav appeared before the five-judge collegium in Supreme Court on Tuesday and offered to ex-

► 'Under scrutiny', P 7

plain the purport, meaning and context of his speech while maintaining that the media selectively quoted from his speech to create an unnecessary controversy.

The collegium, however, was unconvinced with his explanations and ticked him off for the casual manner in which he made certain statements in the speech.

C M Y K

'Conduct of judge always under scrutiny'

► Continued from P 1

The CJI-led collegium told him that conduct, demeanour and speech of a HC or SC judge, being a constitutional post holder, is constantly under scrutiny & hence expected to maintain dignity of the high office.

Moreover, the senior-most judges of the apex court told Justice Yadav that every statement made by a high court judge or a Supreme Court judge, either in the courtroom or outside at a public event, must not only be in sync with the dignity of the office but also not cause damage to the people's faith in judiciary.

Justice Yadav, appointed an additional judge on Dec 12, 2019 of Allahabad HC and made permanent on March 26, 2021, is scheduled

to retire on April 15, 2026. His speech at a VHP event on Dec 8 had reportedly supported UCC and allegedly made remarks targeting the Muslim community.

While SC, through numerous judgments over the last four decades, has repeatedly underlined the need to bring about Uniform Civil Code (UCC), Justice Yadav's comments against the Muslim community riled several lawyers and politicians.

Senior advocate Prashant Bhushan-led NGO 'Committee for Judicial Accountability and Reforms' demanded the apex court to conduct an in-house inquiry against the judge. Fifty-five MPs from the opposition parties have already served a notice in the Rajya Sabha for initiation of removal motion against Justice Yadav.

C M Y K

6 Dec 2024

P-7

Can't acquire land & withhold compensation for yrs: SC to K'taka

'Pay Current Mkt Rate For Plot Taken In 1986'

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New Delhi: Supreme Court on Wednesday said no govt could withhold payment of compensation for years after acquiring land, and asked Karnataka govt to pay current market value for a plot it had acquired in 1986 without compensating the owners.

Justices Surya Kant and Ujjal Bhuyan accepted the arguments of advocate Anand Sanjay M Nuli, appearing for land owners Jayalakshamma and others, whose nearly two acres formed part of large tracts acquired in Mysuru's Hinkal village for setting up Vijaynagar town.

"Denial of paying compensation is violative of Ar-

'On face of it you're corrupt': SC slams Partha on bail plea

SC tore into former Bengal minister Partha Chatterjee for seeking bail, citing parity with other co-accused. "They are not ministers. You were the minister of the department where this alleged recruitment scam took place," SC said, adding, "When the minister is the kingpin, and SC grants him bail, what message it sends to society? That an influential person can get bail? On the face of it you are corrupt." **P5**

Article 300A (right to property). The authorities have failed miserably in showing any reason either in fact or in law to justify withholding payment of compensation for more than 33 years," SC said.

► **'Must deposit...', P 5**

4 Dec 2024

P-8

SC: Why do babus' wives hold ex officio posts in societies?

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New Delhi: Supreme Court on Monday took strong exception to bureaucrats' wives enjoying posts in societies functioning within the administrative jurisdictions of their husbands and said such practices, a product of colonial mindset, must be forthwith discarded.

What irked a bench of justices Surya Kant and Ujjal Bhuyan was the vindictive action indirectly taken by the district magistrate of Bulandshahr, where it had been a custom since inception in 1957 till 2019 to make the wife of the officiating district magistrate or his nominee hold the office of president of the Zila Mahila Samiti, Bulandshahr.

The general body of the Samiti in Jan 2020 by a majority amended the bylaws and decided not to give its presidency to the DM's wife by recognising her only as a patron. This change was approved by the deputy registrar of societies. After election to all posts, including the presi-

dent, was held in Sept 2022, the deputy registrar sent a show-cause notice based on a secret inquiry by the city magistrate, who alleged that articles of association of the Samiti were illegally amended to gobble up the property of the organisation.

Appearing for the Samiti, senior advocate Tapes Kumar Singh said the inquiry was conducted by the magistrate without summoning any office bearer or a visit to the Samiti office.

Despite a detailed response, the deputy registrar on Feb 17, 2023, declared the amendments illegal without even granting a hearing to the parties.

This order meant the DM's wife would continue to be president of the Samiti. The body moved Allahabad High Court, which dismissed its plea.

SC took umbrage and said, "Why does she want to hold the post of president of the Samiti based on her husband's position? If she wants to be the president of the Samiti, she should join politics and contest elections."

Appearing for UP, additional solicitor general K M Natraj told SC govt wants to get rid of this colonial mindset and sought its permission to do so in view of the HC order.

"The colonial mindset of giving ex officio positions to family members of administrative authorities must be erased by bringing suitable amendments through a model bylaw that would clearly define the composition of the governing body of societies," SC said.

It said it would make it mandatory for all societies, aided or not aided by the govt, to follow the model bylaws, failing which they would be declared non-entities under the law.

"Let an appropriate draft amendment/model bylaw be placed before the court in six weeks," the bench said, while restraining the Samiti to carry on its work without the DM's wife being part of the governing body.

However, it restrained the society, which built its office on govt non-agricultural (nazul) land, not to create third party interest on the land.



16 Jan 2025

P-9

TIMES NATION

In a first, SC collegium meets judge aspirants outside Delhi

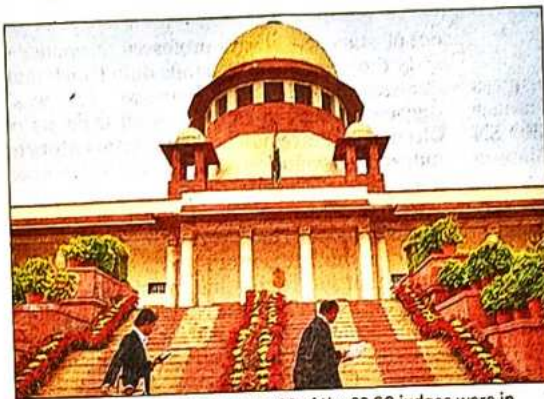
Interaction Takes Place At Vizag Retreat

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New Delhi: For the first time in nearly three decades of its existence, the Supreme Court collegium met with candidates recommended for judgeship by the collegiums of the Andhra Pradesh and Telangana high courts last weekend in Visakhapatnam to assess their personality, suitability, and competence for constitutional court judgeship.

Since the creation of the collegium system by two judgments of the SC in the 1990s for selection of constitutional court judges and insulate judiciary from influence of the executive, this is the first time the SC collegium, led by CJI Sanjiv Khanna and comprising Justices B R Gavai and Surya Kant, carried out a part of the judge election process outside Delhi.

More than 20 of the 32 SC judges went with their fam-



BREAK FROM PRACTICE: Over 20 of the 32 SC judges were in Visakhapatnam with their families for a retreat

ilies for a retreat at Visakhapatnam, a busy east-coast city in Andhra Pradesh. With the Andhra Pradesh and Telangana HCs recommending candidates each for HC judgeship, the collegium decided that instead of calling the candidates to Delhi for interaction, it would be better to assess them at Visakhapatnam which will save the candidates both time and money.

The interaction with three candidates from Andhra Pradesh and five from Telangana took place in the hotel where the SC judges were lodged for re-

treat. The collegium had kicked in the novelty of personal interaction with candidates on Dec 22 when it assessed the suitability, capability and personality of candidates recommended for judgeship in the Allahabad, Bombay and Rajasthan HCs.

Earlier, the SC collegium solely went by the detailed biodata of the lawyers and judicial officers submitted by HC collegiums as well as the intelligence reports about their antecedents and opinions of the concerned governors and chief ministers. The personal interac-

tion with the recommended candidates helped in judging first-hand their demeanour and suitability for appointment as judges, sources said.

The collegium is at present debating on two significant proposals to weed out the 'father-uncle judge' influence in the selection of judges to HCs. Given the widespread discontent among lawyers that first generation lawyers seldom get considered for HC judgeship when pitted against sitting or former constitutional court judges' lawyer children, the initial proposal was rather radical — pause selecting kith and kin of sitting and former judges' children as HC judges.

Though many lawyers welcomed the proposal, some felt it would be discriminatory to bar appointment of competent lawyers as HC judges solely because they are children of sitting or former judges. The second proposal took a middle path and said the assessment benchmark for kith and kin of sitting or former judges' lawyer children should be kept higher compared to that for first generation lawyers.

4 Dec 2024

P-13

SC: Lower voter limit from 1,500 to 1,000 per booth

► Continued from P 1

Maninder Singh said before conducting an election, EC consults every political party and polls have been conducted smoothly without a single voter complaining that she was not able to vote.

He said the efficiency of EVMs have been repeatedly questioned before the Supreme Court, which each time, after a detailed verification, has approved the machines. But the bench said, "There is some confusion because of your 2019 circular increasing the voters per booth from 1,000 to 1,500."

The petitioner said voting took place on the scheduled day for 11 hours and claimed that even if "the election officials inside a booth are super efficient", a voter would still take one minute to get his/her identity checked, mark name in the electoral roll, apply indelible ink on finger, cast vote and verify VVPAT. Thus, a total of 660 voters can cast their vote in the 11-hour scheduled voting time, he said.

The petition said the cap on voters per booth was revised upwards from 1,000 to 1,500.

"As of the 2019 general elections, the average num-



A total of 660 voters can cast their vote in the 11-hour scheduled voting time, said petitioner Maninder Singh

ber of electors per polling station was recorded at 877, a decrease from 898 in 2014. Given this data, it is essential to reconsider and lower the upper limit of 1,500 electors per polling booth back to 1,000," the petitioner said.

"Traditionally, the number of electors per polling station was limited to ensure that all eligible voters could cast their votes efficiently and without undue delay. By increasing this limit, the EC has compromised the operational efficiency of polling stations, potentially leading to longer waiting times, overcrowding, and voter fatigue," he added.

When only 660 electors can cast their vote in an EVM within the scheduled 11-hour period, fixing 1,500

voters per booth would result in many people not being able to cast their vote, leading to disenfranchisement, he claimed.

Decrease in the number of polling booths, combined with an increase in the upper limit of voters per station, disproportionately impacted specific areas, particularly urban regions with high migration from low-income groups, he said.

"Having more voters per booth, where each EVM is considered a separate polling booth is not the solution. The solution is, to increase polling booths so that no person has to queue up, and no one is prevented from voting for disproportionate waiting time or finishing of voting hours," he suggested.

33 Dec 2024

P-7

Reservation can't be given on the basis of religion: SC on OBC certs

TIMES NEWS NETWORK

New Delhi: While hearing Bengal govt's plea challenging the decision of Calcutta HC to quash the OBC classification of 77 communities, mostly belonging to the Muslim religion, SC observed that reservation could not be given on the basis of religion but the state clarified that the basis was not religion but backwardness.

"Reservation cannot be on the basis of religion," a bench

State govt clarified that the basis for reservation in this case was not religion but backwardness. 'The ground of religion is not an issue here,' Kapil Sibal said

of justices BR Gavai and KV Viswanathan said while hearing state govt's appeal. Responding to the court's observa-

tion, senior advocate Kapil Sibal, said reservation was granted not on the basis of religion but on the basis of backwardness of the communities. "The ground of religion is not an issue here. It happens that they belong to a religious community but they are backward," he said.

The issue of whether Muslims as a community should get quota has become a wedge issue with BJP opposing it on the ground that it has not been provided for in the Constitu-

tion. The party has also argued that it was the Britishers' acceptance of "separate electorate" and Muslim quotas in legislatures that laid the ground for partition in 1947.

Courts have also struck down Muslim quotas promulgated by govt's run by Congress and others, but this has failed to deter efforts to introduce reservations for the minority community by declaring them as "backward". After a brief hearing, the bench adjourned the case to Jan 7.

THE TIMES OF INDIA

31 Dec 2024

P-1

Deploy central forces for co-op bank polls: SC

Supreme Court on Monday ordered deployment of central paramilitary forces for Dec 31 elections to Contai Cooperative Bank. The SC order came on a petition alleging bogus voters for the polls earlier scheduled on Dec 15 to elect 108 bank representatives. Meanwhile, a TMC worker was hacked to death late on Sunday at Jalpai in Nandigram's Kalicharanpur village panchayat area. TMC has called an indefinite strike across Nandigram, until the perpetrators are arrested.

8 Dec 2024

P-1

SC frowns at 'stay and forget' orders in HCs

New Delhi: Supreme Court on Friday took exception to the trend of 'grant stay and forget listing the case for hearing' in high courts and said this caused immense hardship to litigants, especially in disputes relating to child custody, reports Dhananjay Mahapatra.

"This is a sad state of affairs. This pricks our conscience," a bench of justices Surya Kant and Ujjal Bhuyan said while reviving the Oct 1, 2019 order of a single judge of Allahabad HC asking the Bulandshahr district judge to look into the suitability of a woman's home for her child's upbringing. The husband had appealed, and an HC division bench stayed the single judge's order on Oct 18, 2019. It was vacated in Nov 5 this year, by which time

the child had turned nearly 12.

Ezaz Ahmed married Nazish Parveen in Feb 2011, and had a son in Jan 2013. The woman alleged she was thrown out of her matrimonial home in 2018 over dowry and barred from meeting her son. She

► 'Submit report', P 14

moved a habeas corpus petition in Allahabad HC demanding custody of her child, then five years old.

The single judge of the HC, referring to Muslim personal law, said the mother was entitled to custody of her male child till the age of seven and girl child till she attained puberty. The judge directed the Bulandshahr district judge to inquire in which parent's custody the child's welfare would be best met.

SC to dist judge: Inquire into child's welfare, submit report

► Continued from P 1

Frowning at the casual manner in which the stay on this order was granted and its vacation after five years, Justices Kant and Bhuyan said, "It is unfortunate that the divi-

sion bench entertained the appeal, which should have been thrown out at the threshold."

Ordering revival of the single judge's 2019 order, the bench said, "We hope the cause of action of the mother still survives. The boy has been

with the father for the last five years and he would have been tutored completely by now."

It asked the Bulandshahr district judge to inquire into the issue of the child's welfare expeditiously and submit a report to the SC in three weeks.

29 Nov, 2024

P7

SC: Look into exaggerated dowry claims carefully

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New Delhi: Highlighting the misuse of provisions on dowry harassment by victim's family, who often rope in even distant relatives of the husband as accused, the Supreme Court on Tuesday emphasised that it is the "irrecusable duty" of the court to determine whether the allegations against them are exaggerated before allowing criminal prosecution.

A bench of Justices C T Ravikumar and Rajesh Bindal said it is the court's duty to ensure that a person is not implicated in the case merely on the basis of vague and ominous allegations.

Referring to earlier verdicts of the top court, the bench stated that a mere casual reference to the names of family members in a matrimonial dispute, without specific allegations of their active involvement, does not justify taking cognisance against them.

It emphasised the need to guard against the tendency of over-implication, where the entire household is drawn into domestic quarrels that result in matrimonial disputes.

"This court observed that in matrimonial disputes exaggerated versions of the incident are reflected in many complaints and tendency of over implication is also reflected in such cases. Even ultimate acquittal in the trial may also not be able to wipe out the deep scars of sufferings of ignominy, it was further held therein," the bench said.

25 Dec 2024

P-15

Shareholders of IL&FS hit by SC order

Jaisalmer: The DND Flyway order by the Supreme Court has come as a blow to shareholders led by IL&FS, who were hoping to garner as much as Rs 2000 crore from the sale of the company, banking on its toll revenue and development rights sought by Noida Toll Bridge Company. While lenders too stand to be hit as their exposure is now said to be in the range of Rs 50-60 crore now.

While there were not too

many big players in the fray, several small companies had evinced interest in taking over the company, which had two decades ago set up a marquee project, improving connectivity between Delhi and Noida, then a sleepy suburb.

Based on the interest, beleaguered IL&FS had budgeted for anything between Rs 200 crore and Rs 500 crore from the sale to help it improve its receipts and reduce the burden on banks, which were adversely hit by its

strained finances.

While Noida Toll Bridge Company refrained from commenting on the judgment as the order had not been uploaded, it expressed concern over the decision. "NTBCL is a NSE/BSE-listed entity and has over 55,000 public shareholders who own approximately 71% of the company, in addition to several financial institutions that have significant exposure to NTBCL either directly or through other IL&FS entities.

The judgment is likely to serve as a guidance to developers for all ongoing and future infrastructure projects under PPP model as they may need to reassess project risks, factoring in the implications of this judgment and plan accordingly," it said. The company had argued that a commercial deal struck between the parties to a concession agreement cannot be retrospectively withdrawn, especially in the absence of any finding of malafide.

23 NOVEMBER, 2024

PS

After 30 yrs, SC revives criminal proceedings against Kerala MLA in proof tampering case

TIMES NEWS NETWORK

New Delhi: In a setback to Kerala MLA and former minister Antony Raju, Supreme Court has revived criminal proceedings against him in an evidence tampering case lodged against him three decades back when he was a practising lawyer.

Raju had appeared for an accused who was an Australian national. He had allegedly tampered with evidence to protect his client in a drug trafficking case.

A bench of Justices C T Ravikumar and Sanjay Karol has directed that the trial in this case be completed in a year. The Kerala high court (HC) had earlier quashed the criminal case but allowed fresh proceedings to be initiated.

The case originates from a 1990 drug seizure involving an Australian national who was found in possession of drugs hidden in the pocket of his underwear. The trial



When he was a practising lawyer, Raju had allegedly tampered with evidence to protect his client in a drug case

court had convicted the Australian national under Narcotic Drugs and Psychotropic Substances (NDPS) Act but the Kerala HC acquitted him casting doubt on the integrity of the evidence.

The HC, while acquitting the accused, had directed a vigilance probe into potential evidence tampering. Following this inquiry, an FIR was registered in 1994, naming Raju and a court staff member as accused.

Kerala minister faces fresh probe for 'insult' to statute

Kochi/Thiruvananthapuram: In a setback to Kerala minister Saji Cherian, Kerala HC Thursday ordered further probe by crime branch into the case against him for allegedly making derogatory remarks about the Constitution at a public event in July 2022.

Justice Bechu Kurian Thomas noted that since the accused is a state minister, an investigation by a SHO would not be sufficient and a superior agency was required. It directed the state police chief to immediately transfer the case to state crime branch. It said the probe should be completed without undue delay.

In Thiruvananthapuram, Cherian said he will move SC only after studying the HC order. Turning down demands for his resignation following the HC directive, Cherian said

there was no question of moral responsibility as HC has not heard him in the case.

"At present, there is no moral issue. Earlier, the lower court accepted the police report that absolved me of the charges. It was then dragged to HC. Now it has ordered a re-investigation in this case. Let the probe be conducted and findings be submitted in court," he said.

The HC directive came on a petition filed by M Baiju Noel, a lawyer, raising charges against Cherian's speech at a public function organised by CPM at Mallappally on July 3, 2022. A case was registered under Section 2 of Prevention of Insults to National Honour Act and submitted a refer report to a judicial first class magistrate court in Tiruvalla in Dec 2022. TNN

THE TIMES OF INDIA

23 Nov, 2024

PS

ED lists netas who may walk free after SC 'prior nod' order

TIMES NEWS NETWORK

New Delhi: Former FM P Chidambaram and ex-Delhi CM Arvind Kejriwal are among politicians facing serious money laundering charges who have rushed to courts, or are in the process of doing so, demanding dropping of chargesheets filed against them based on a recent Supreme Court verdict asking ED to take prior sanction from govt to prosecute them.

ED is making a list of all such accused who may be discharged in money laundering cases as a result of the SC order, if it is not reviewed. Kejriwal's colleague and AAP MLA Amanatullah Khan was the first to get a reprieve when a trial court last week did not take cognisance of the chargesheet against him as ED had not taken prior sanction from govt. Khan was granted bail by the court for the same reason.

There are multiple money laundering cases against Chidambaram, some a decade old. Chargesheet against him in Alroel-Maxis case was filed in 2018, in which he has now approached higher courts seeking it to be dropped as he said sanction was not taken to prosecute him even though he was a public ser-

vant at that point. On Thursday, Delhi HC refused Kejriwal's plea on the same ground and asked ED to respond. A special court had taken cognisance of the chargesheet filed against Kejriwal in July.

Framing of charges have been delayed against both Chidambaram and Kejriwal as they have repeatedly approached higher courts seeking to inspect 'unrelied upon documents' by the agency and also challenged certain provisions of the PMLA, sources said.

As reported by TOI on Thursday, ED is likely to approach SC seeking review of its judgment that has led to this confusion as the anti-money laundering investigations are always a result of registration of a predicate offence by some other agency like economic offences wing of state police or CBI. Prosecution complaints (chargesheets) filed by ED are evidence of money laundering produced by the agency through details of financial transactions and other evidence. Sources said ambiguity in the SC judgment is whether ED needs to take fresh sanction under PMLA when the same has already been taken in the predicate offence registered by another agency, and chargesheets have been filed by them.

THE TIMES OF INDIA

30 Nov, 2024

P1

Don't convert civil cases into criminal, SC warns UP Police

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New Delhi: Warning the director general of UP Police to rein in his forces from routinely converting civil disputes into criminal cases to harass civilians, Supreme Court on Thursday said if the practice did not cease, it would pass orders that the DGP would "remember his whole life".

A bench of justices Surya Kant and Ujjal Bhuyan took note of a dozen criminal ca-

ses lodged against a person who was seeking anticipatory bail claiming that all these cases related to various land disputes and that police were harassing him and his family members. Senior advocate

► Arrest shield, P 5

Rana Mukherjee, appearing for UP govt, told the bench that the accused on the one hand had not joined the investigations, while on the other hand was seeking protection from arrest.

The bench said though

SC had protected him from arrest, he seemed to be apprehensive that the moment he appeared before police, he would be arrested in a fresh case lodged against him.

"UP police are entering into a dangerous area. You register criminal cases in purely civil disputes.

"Tell your DGP that if this practice does not stop immediately, we will pass such drastic orders, he will remember for his whole life," the bench said, expressing displeasure.

14 Dec 2024

P-1

SC: Trial courts not to pass orders on religious places

No Fresh Suits
Till Court Rules
On Act Validity

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New Delhi: Supreme Court on Thursday put a freeze on the spate of lawsuits for reclamation of temples allegedly converted to mosques during the Mughal era and ordered trial courts across India not to entertain any fresh suit raising a 'mosque-temple' dispute.

It also stopped adjudication of pending ones, including those relating to the Gyanvapi mosque-Kashi Vishwanath temple and Shahi Idgah-Krishna Janmasthan in Mathura.

A bench of CJI Sanjiv

NO SURVEYS TILL NEXT HEARING ON FEB 17, 2025

THE ACT: Places of Worship (Special Provisions) Act, 1991 prohibits conversion of any place of worship and provides for the maintenance of its religious character as it existed on Aug 15, 1947

“ The primary issue for consideration is Sections 3 and 4 of the 1991 Act, their contours as well as their width and expanse

When matter is pending in SC, will it be just and fair for any other court to deal with the subject matter and examine it? **We are examining both the validity and ambit of the Act... Civil courts cannot run a race with SC**

Centre's reply must come on record... Questions framed by SC on Oct 12, 2022 (see P 22) will give you a fair idea to frame your response

— SUPREME COURT

SOME PROMINENT ONGOING CASES

- Gyanvapi mosque (adjacent to Kashi Vishwanath temple) in **Varanasi**
- Shahi Idgah Masjid (adjacent to Sri Krishna Janmasthan temple) in **Mathura**
- Shahi Jama Masjid (claimed to be Harihar temple) in **Sambhal**
- Quwwat-ul-Islam Mosque, Qutub Minar, (claimed to be Tirthankar Rishabh temple) in **Delhi**
- Kamal Maula Mosque (claimed to be Bhojshala temple) in **Dhar, MP**
- Ajmer Sharif Dargah (claimed to be Sankatmochan Mahadev temple)
- Shamshi Masjid (claimed to be Neelkanth Mahadev Mahakal temple) in **Badaun**

Khanna and justices Sanjay Kumar and K V Viswanathan passed this order that will put a temporary lid on the raging issue, the genesis of which was the filing of petitions by religious organisa-

tions and politicians — the Hindu side challenging the validity of the Places of Worship Act, 1991, and Muslims seeking implementation of the law in letter and spirit. Enacted by the Cong-

ress govt, the act froze the religious character of all places of worship as on Aug 15, 1947 with the exception of the Babri Masjid in Ayodhya.

► 'Matter pending', P 8

SC: Matter pending before us, will it be just for other courts to take it up?

Ruling At Odds With SC's Refusal Last Year To Impose A Prohibition On Suits

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DISPUTED SITES

New Delhi: While putting a freeze on the spate of law-suits for reclamation of temples allegedly converted to mosques during the Mughal era while it hears the validity of the Places of Worship Act, 1991, Supreme Court said on Thursday: "The primary issue which arises for consideration is Sections 3 and 4 of the 1991 Act, their contours as well as their width and expanse. As the matter is sub judice before the court, we deem it appropriate to direct that though fresh suits (raising mosque-temple disputes) can be filed, no suit will be registered and proceedings undertaken (by trial courts) till further orders of the SC." "Further, we also direct that in pending suits, trial courts will not pass any effective and final order, including orders for survey, till the next date of hearing," the bench said in its omnibus status quo order.

The ruling, which was at odds with the refusal last year of a bench led by then CJI D Y Chandrachud to impose a prohibition on suits, drew vociferous opposition from senior advocates Rakesh Dwivedi, Maninder Singh, Vijay Hansaria and Vikas Singh, who said the court could not pass such a blanket order without hearing the Hindu parties. Advocate Sai Deepak said for implementation of the 1991 Act, surveys were mandatory to determine the religious character of disputed structures on Aug 15, 1947.

Solicitor general Tushar

These Muslim places of worship are subject matter of suits filed by Hindu sides before different trial courts, seeking right to worship by claiming them to be erstwhile temples:

1 Gyanvapi mosque (adjacent to Kashi Vishwanath temple) in Varanasi

2 Shahi Idgah Masjid (adjacent to Sri Krishna Janmasthan temple) in Mathura

3 Jama Masjid (claimed to be Harihar temple) in Sambhal

4 Teela Wali Masjid (claimed to be Laxman Teela) in Lucknow

5 Jami Masjid and Dargah Shaikh Salim Chisti (claimed as Kamakshya Mata temple) in Fatehpur Sikri



6 Atala Masjid (claimed to be Mata Atala Devi temple) in Jaunpur

7 Shamshi Masjid (claimed to be Neelkanth Mahadev Mahakal temple) in Badaun

8 Quwwat-ul-Islam Mosque, Qutub Minar (claimed to be Tirthankar Rishabh Dev temple) in Delhi

9 Kamal Maula Mosque (claimed to be Bhojshala temple) in Dhar, MP

10 Ajmer Sharif Dargah (claimed to be Sankatmochan Mahadev temple)

11 Juma Masjid at Malali (temple structure said to be found under it during demolition) in Mangaluru

Mehta said: "When suits between two parties were pending in different trial courts, was it judicially permissible for a third unrelated party (Muslim organisations and petitioners) to come before the SC and seek a stay on those proceedings?" There are 18 suits pending before various trial courts raising reclamation of temple demand for 11 mosques. SC brushed aside the objections and asked when the core issue regarding Places of Worship Act was pending consideration before the highest court, would it not be proper for trial courts to hold their hands? "When the matter is pending in SC, will it be just and fair for any other court to deal with the subject

matter and examine it? We are examining both the validity and ambit of the Act," it said. Justice Viswanathan gave a glimpse of court's mind on the conflicting stands of the two sides when he said, "There is a larger question. The suits which are pending must be stayed as Section 3 of the 1991 Act is to be adjudicated by the SC."

"One view is that Section 3 is an effective manifestation or the reiteration of already embedded constitutional principles, so much so that even without the Act, if a suit were to be objected on the ground of plain constitutional principles, it is subject to interim orders from the court. Since the issue is pend-

ing in SC, civil courts cannot run a race with the SC. It is as simple as this." SC had issued notice to the Centre on advocate-petitioner Ashwini Upadhyay's 2020 petition on March 12, 2021 and on Jamiat Ulama-i-Hind's petition on Sept 9, 2022. On Thursday, it found the Union govt had not filed its response till date. The CJI Khanna-led bench told the SG that Centre must file a response to the cross-petitions in four weeks. It appointed three nodal counsel — Ejaz Maqbool, Kanu Agarwal and Vishnu Shankar Jain — to coordinate and compile responses of both sides and the Centre.

"The Centre's reply must come on record. We require

your response, and we cannot hear these petitions without the Union govt's stand. The questions framed by the SC on Oct 12, 2022 will give you a fair idea to frame your response," the bench said. The matter was posted for hearing on Feb 17, 2025.

PILs by the Hindu side have questioned the validity of the 1991 Act on grounds that Parliament did not have the competence to apply the law retrospectively and freeze status of religious structure as existing on Aug 15, 1947 when mosques were constructed over thousands of razed temples. The Muslim side argued history could not be changed through court orders and sought strict implementation of the Act, which had carved out an exception for the suits pending on the Ram Janmabhoomi-Babri Masjid dispute.

A five-judge bench on Nov 9, 2019 had awarded the disputed site for construction of Ram temple, but had ruled that the 1991 Act was an "affirmation of solemn duty which was cast upon the state to preserve and protect the equality of faiths as an essential constitutional value, a norm which has the status of being a basic feature of the Constitution. In preserving the character of places of public worship, Parliament has mandated in no uncertain terms that history and its wrongs shall not be used as instruments to oppress the present and the future". However, SC, while dealing with the same bunch of pleas on July 11 last year, had refused to put a blanket ban on proceedings initiated in various courts for reclamation of temples.

18 JAN, 2025

P12

One Policy, Many Stripes

SC should note not all tiger reserves are the same

Hearing a case on irregularities inside Corbett tiger reserve, Supreme Court observed that a uniform countrywide policy is required for management of tiger reserves. As the case proceeds, it is worth noting a uniform policy may not be in the best interests of tigers. India's tiger protected area (national parks, wildlife sanctuaries, reserve forests) covers about 2% of India's geographical area. This spans all types of ecosystems, marine to mountains. Conservation efforts focus on maintaining biodiversity and multiple



species, from vultures to crocodiles. To that end, conservation approaches are most successful when they are landscape-oriented rather than focusing on any single species. A uniform policy for reserve management would tend towards being a single-species approach.

What works for responsible tourism in Sariska, a dry deciduous reserve, wouldn't work in Sundarbans – a mangrove forest.

Conservation efforts in Nagarhole tiger reserve in Nilgiris biosphere can barely be duplicated in Arunachal's Nandapha or Kamlang. Tiger tourism is seen as a tool to double down on preservation of habitat and help fund anti-poaching patrols and counter illegal wildlife trade. Irregularities – hotels, illegal forest stays, roads and concretised tourist infra including sale of illegal animal products – result from state policy. And apathy. It's no news that nodal tiger authority NTCA's guidelines on tourism are routinely flouted. Courts have long sought low-impact tourism in tiger reserves. Corbett has seen egregious 'tourist development'. But one single policy will neither curb the irregularities nor help the tigers.

The Times of India

March 2, 2025

P-14

SC: HCs can stay discharge orders only in rare cases

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New Delhi: Observing that staying a trial court's reasoned order to discharge an accused in a criminal case resulted in curtailing the liberty granted to him, Supreme Court on Friday said high courts should stay an order only in rare and exceptional cases when the discharge order prima facie looked "perverse".

A bench of Justices Abhay S Oka and Ujjal Bhuyan said a discharged accused stood on a higher pedestal than an accused who was acquitted after a full trial as discharge order was passed at the threshold when no incriminating material was found against the person. It said staying of discharge order in such cases resulted in the person becoming an accused again.

"An order staying the order of discharge is a very drastic order which has the effect of curtailing or taking away the liberty granted to the accused by the discharge order. As a result of the order staying the order of discharge, the order of discharge ceases to operate, and the sessions court can



A discharged accused stood on a higher pedestal than one who was acquitted after a full trial, the SC bench of justices Oka and Bhuyan said

proceed to frame charges against the accused and try him further. Thus, the stay of the discharge order has a grave consequence of depriving an accused of the liberty granted under the discharge order," the bench said.

The court set aside Delhi high court's order which had stayed a discharge order without hearing the accused. SC agreed with senior advocate Siddharth Luthra who, appearing for the petitioner, said the consequence of the stay order was that trial would proceed against the petitioner even

though he stood discharged.

"It is only in rare and exceptional cases, where the order of discharge is ex-facie perverse, that the revisional court can take the extreme step of staying that order. However, such an order should be passed only after giving an opportunity of being heard to the accused. Moreover, while granting the stay, the court must mould the relief so that the trial does not proceed against the discharged accused," the bench said.

"When a revision application challenging the order of discharge is admitted for hearing, the high court may exercise power under Section 390 by directing the person discharged to appear before the trial court and by directing the trial court to admit him to bail on appropriate terms and conditions. If such an order is passed after the admission of the revision application against the order of discharge, it is a sufficient safeguard for ensuring the presence of the discharged accused at the time of hearing of the revision application and for undergoing trial, if the order of discharge is set aside," it added.

The Times of India
March 02, 2025

P-14

Need to be sensitive towards women, says SC

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New Delhi: In a rare instance, SC Friday reinstated two Madhya Pradesh women judicial officers after quashing their "punitive, arbitrary and illegal" termination by HC and cautioned that there cannot be any comfort in finding increasing numbers of women in judicial services without a safe and gender-sensitive work environment.

Asking HC and state govt to put Sarita Choudhary and Aditi K Sharma back as judicial officers without the termination period impacting their careers, a bench of justices B V Nagarathna and N

Kotiswar Singh said the May 13, 2023 resolution of HC and consequent termination order of May 23, 2023 "are illegal and contrary to the established principles of law and, therefore, are liable to be set aside and are set aside".

Writing the 125-page judgment, Justice Nagarathna said, "Many have stressed that increased diversity within a judiciary, and ensuring judges are representative of society, enables the judiciary as a whole to better respond to diverse social and individual contexts and experiences. It is a recognition of this fact that a greater representation of women

in the judiciary, would greatly improve the overall quality of judicial decision making and this impacts generally and also specifically in cases affecting women."

HC had terminated six women judicial officers. SC took suo motu cognisance and requested HC to reconsider the decision. HC revoked the terminations of Jyoti Varkade, Sonakshi Joshi, Priya Sharma and Rachna Atulkar Joshi. The remaining two terminated officers challenged their termination before SC.

Justice Nagarathna said judicial appointment of women at senior levels can shift gender stereotypes.

P1

No minimum age for witness, kid's evidence valid: SC

New Delhi: Holding that evidence of a child witness stands on the same footing as of any other witness if the child is competent to testify, Supreme Court has convicted and sentenced a man to life term for killing his wife, relying upon the statement of the couple's 7-year-old daughter who witnessed the incident, reports **Amit Anand Choudhary**.

A bench of Justices J B Pardiwala and Manoj Misra set aside the order of MP High Court acquitting the accused by discarding the daughter's statement.

SC said the Evidence Act did not prescribe any minimum age for a witness, and evidence of a child witness could not be rejected outright.

► 'Evaluate child witness...', P 4

27 FEB, 2020

Only Parl can impose life ban on convicted lawmakers: Centre

Govt Opposes Disqualification Plea In SC

New Delhi: The Centre has opposed in the Supreme Court a plea seeking life ban on convicted politicians, saying imposing such a disqualification was solely within the domain of Parliament.

In an affidavit filed in court, the Centre said the prayer in a plea, seeking the same, amounted to re-writing of the statute or directing Parliament to frame a law in a particular manner which was wholly beyond the powers of judicial review.

"The question whether a life-time ban would be appropriate or not is a question that is solely within the domain of the Parliament," the affidavit said. By confining the oper-

Landowner can't be deprived of land indefinitely, observes SC

The Supreme Court has recently said a landowner couldn't be deprived of the use of the land indefinitely. A bench of justices J B Pardiwala and R Mahadevan made the observation while setting aside an order of the Bombay High Court. "The landowner cannot be deprived of the use of the land for years together. Once an embargo has been put on a landowner not to use the land in a particular manner, the said restriction cannot be kept open-ended for indefinite period," it said. The bench, while referring to Section 127 of the Maharashtra Regional and Town Planning Act, 1966, said it did not make any sense to keep the plot reserved in a development plan for the last 33 years. Not only did the authority not allow the original owners to use the land, but was also not permitting the purchasers to utilise the land now, the court said.

ation of penalty to an appropriate length of time, deterrence was ensured while undue harshness was avoided, it added. There was, said the Centre, nothing inherently unconstitutional in limiting the effect of penalties by time

and it was a settled principle of law that penalties were limited either by time or by quantum. "It is submitted that issues raised by the petitioner have wide ranging ramifications and clearly fall within the legislative policy of Parlia-

ment and the contours of judicial review would be suitably altered in such regard," the affidavit said.

The plea in the top court filed by advocate Ashwini Kumar Upadhyay seeks a life ban on convicted politicians aside from the expeditious disposal of criminal cases against MPs and MLAs in the country.

In its affidavit, the Centre underlined that the apex court had consistently held that the legislative choice over one option or the other couldn't be questioned in courts over its efficacy or otherwise.

Under Section 8 (1) of the Representation of the People Act, 1951, the period of disqualification was six years from the date of conviction or in case of imprisonment, six years from the date of release, it added.

► Continued on P 4

THE TIMES OF INDIA, KOLKATA
THURSDAY, FEBRUARY 27, 2025

No place for indecency in Parl proceedings: SC

► Continued from P 1

While asking the House to take Sunil Kumar Singh back, the bench said he would not be entitled to any remuneration for the suspension period. The SC had earlier stayed the by-election for the seat that had fallen vacant after Singh's expulsion.

In a verdict that sought to strike a balance between the principle that punishment should not be disproportionate to the offence, the bench said, "There is no place for aggression and indecency in the proceedings of Parliament or legislature. Members are expected to show complete respect and deference towards each other. This expectation is not merely a matter of tradition or formality, it is essential for the effective functioning of democratic processes. It ensures that debates and discussions are productive, fo-

cused on the issues at hand, and conducted in a manner that upholds the dignity of the institution."

It emphasised that the right to speak inside the House could not be harnessed as a tool by members to insult, humiliate or defame fellow members. Justices Kant and Singh said the power of the House to punish a member for misconduct or misdemeanour could not be harsh or disproportionate.

"Courts must act decisively to strike down excessively harsh actions that threaten our democratic fabric while simultaneously exercising restraint to avoid encroaching upon the legislative domain. We reiterate that courts must reflect a certain degree of deference to the legislative will and wisdom, intervening only when the action prescribed is so disproportionate that it shocks the intrinsic sense of justice," Justice Kant said.



21 MARCH, 2025

P1

SC: Child's teary silence can't aid rapist's defence

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New Delhi: Reversing the acquittal of a person in a 40-year-old rape case, Supreme Court said the silence of a little girl with tears rolling down her cheeks when asked about the incident in the trial court during cross-examination cannot be an indicator of innocence of the accused.

Slamming the insensitivity of the Rajasthan HC judge for acquitting the accused, who was 21 when convicted and sentenced to seven years' imprisonment by the tri-

“V has not turned hostile. Trauma has engulfed her in silence. It would be unfair to burden her young shoulders with the weight of the entire prosecution. A child traumatised... by this ghastly imposition upon her must be relieved of being the basis on which her offender can be put behind bars —SC

al court in 1987 for raping the minor, SC also criticised HC for naming the rape survivor.

► **Raj HC took 26 years, P 7**

Raj HC took 26 years to decide appeal, SC sets order aside

► Continued from P 1

HC took 26 years to decide the appeal of the convict and acquitted him through a six-page judgment. The Rajasthan govt's appeal, filed in 2013, was finally decided by an SC bench of justices Vikram Nath and Sanjay Karol after 12 years, indicative of the trend that while trial courts decide cases expeditiously, it is the constitutional courts where appeals linger for decades.

The trial judge had recorded that the child rape survivor had not deposed anything about the commission of the offence during the cross-examination and when repeatedly asked, "she shed tears in silence". HC had taken this as one of the grounds



to be used as a factor in favour of the accused. Tears of 'V' (minor girl) have to be understood for what they are worth. This silence cannot accrue to the benefit of the accused. The silence here is that of a child. It cannot be equated with the silence of a fully realised adult prosecutrix..."

"V has not turned hostile. Trauma has engulfed her in silence. It would be unfair to burden her young shoulders with the weight of the entire prosecution. A child traumatised at a tender age by this ghastly im-

position upon her must be relieved of being the basis on which her offender can be put behind bars," Justice Karol said and proceeded to cull out other relevant evidence, medical and circumstantial, which unequivocally pointed to the guilt of the accused, Chhatra. The medical evidence pointed to the ghastly way Chhatra sexually assaulted the girl.

After examining other evidence, justices Nath and Karol allowed the appeal, set aside HC judgment and upheld conviction and sentence awarded to Chhatra by trial court. Chhatra, who was 22 years of age when convicted by trial court in 1987, would now be over 60 years and SC directed him to surrender before the authorities concerned within four weeks to serve the sentence.

21 MARCH, 2025

P8

TIMES NATION

Apex court orders direct bank transfer of crash solatium

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New Delhi: As an average of more than five lakh people die or get injured in road accidents every year and corresponding number of compensation claims get filed before tribunals, SC has ordered cutting down of delay in payment of recompense money to the kin or injured through direct bank transfer (DBT) method.

In general, insurance companies, where the compensation amount claimed



by the kin or injured is not disputed, deposit the money before motor accident claims tribunal (MACT), which delays the amount reaching the relatives of the dead or the injured as in many cases they remain unaware of such deposits made by the insurer.

Enhancing the compensation payable from Rs 12 lakh, determined by the HC, to Rs 36.84 lakh in a 2014 accident claim case, a bench of J K Maheshwari and Rajesh Bindal said instead of the general practice, "a direction can always be issued to transfer the amount

into the bank account(s) of the claimant(s) with intimation to the tribunal."

The SC said MACTs can ask the claimants at the initial stage to furnish their bank accounts and direct the insurer to directly transfer undisputed amount to their accounts. It said that the same DBT method can be adopted by insurers when the tribunal makes the final award on the claims.

The bench passed this order considering the large number of deaths and injuries caused by road accidents in the last five years. For the year 2018, road acci-

dent deaths were 1.58 lakh, and 4.64 lakh were injured; 2019 - 1.59 lakh deaths and 4.49 lakh injuries; 2020 - 1.38 lakh deaths and 3.47 injuries; 2021 - 1.54 lakh deaths and 3.84 lakh injuries; 2022 - 1.68 lakh deaths and 4.43 lakh injuries.

Mentioning that India has done wonders in popularising digital payments through indigenously developed UPI system, the bench said the courts and insurance companies can adopt the same for direct transfer of money to the claimants instead of making them wait for months to get the compensation amount.

THE TIMES OF INDIA

22 Feb, 2025

SC: Lokpal order to proceed against sitting HC judge is 'very disturbing'

New Delhi: Terming the Lokpal's decision to bring high court judges within its jurisdiction to entertain complaints against them as "very disturbing" and against independence of judiciary, Supreme Court on Thursday stayed operation of the order and issued notice to the registrar general of Lokpal and the Centre, seeking their response, reports **Amit Anand Choudhary**.

A full bench of Lokpal, headed by its chairman and former apex court judge A M Khanwilkar, had passed the or-

Lokpal went against '91 verdict by 5J SC bench

A full bench of Lokpal headed by former SC judge A M Khanwilkar appears to have wasted its time in rediscovering that sitting judges of constitutional courts are public servants, for the issue had been settled by a five-judge SC bench in 1991 in the K Veeraswamy judgement. **P 11**

der while entertaining a complaint filed against a sitting HC

judge. It had ruled that a judge of a high court comes within the sweep of Section 14(1)(f) of the Lokpal Act and that the ombudsman could proceed against a sitting HC judge. The SC has now initiated suo motu case against the order.

At the outset of hearing, a bench of justices B R Gavai, Surya Kant and Abhay S Oka said that something was very disturbing in the order passed by Lokpal and questioned its validity.

► 'HC judges were...' **P 11**

HC judges were never intended to be brought under Lokpal: SG

► Continued from P 1

Agreeing with the observation of the bench, solicitor general Tushar Mehta said that an HC judge was never intended to be brought under the Lokpal.

Senior advocate and Supreme Court Bar Association president Kapil Sibal, who was also present and sought to assist the court, submitted that the Lokpal's order was fraught with danger and pleaded with the court to stay its operation.

The court thereafter passed a brief order issuing notice to the Centre, the complainant, and the registrar general of the Lokpal, seeking their response. It also restrained the complainant from disclosing the name of the HC judge and the contents of the complaint.

The court observed that all HC judges are constitutional authorities and cannot be regarded as mere statuto-

The court observed that all HC judges are constitutional authorities and cannot be regarded as mere statutory functionaries as held by the Lokpal

ry functionaries as held by the Lokpal.

The Lokpal had passed the controversial order on Jan 27 on a complaint against a sitting judge of HC and it was alleged by the complainant that the judge had influenced an additional district judge and another HC judge to favour a private company in a suit.

"It will be too naive to argue that a judge of a high court will not come within the ambit of expression 'any person' in clause (f) of Section 14(1) of the Act of 2013... it will be useful to advert to the definition of 'judge' in

Section 19 of IPC as also the enactment of Anti-Corruption Laws (Amendment) Act, 1964 and re-enacted Section 21 with the third category of public servant, including sub-clause (iv) of clause (c) of Section 2 of the Act of 1988 defining expression public servant to mean any judge.

"In paragraph 35 of the majority view expounded by Justice Shetty in the case of K Veeraswamy vs UOI, it is plainly expounded that a judge of the superior court cannot therefore be excluded from the definition of public servant and would squarely fall within the purview of Prevention of Corruption Act. Applying the underlying principle and the logic as given in the reported decision, the expression 'any person' in Section 14(1) (f) of the Act must include a judge of the high court established by an Act of Parliament as well," the order had said.

27 May 2025

P-8

SC: Cutting large number of trees worse than murder

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New Delhi: Observing that the act of cutting a large number of trees was worse than killing a human being, Supreme Court on Tuesday said no mercy should be shown to people who damage the environment and approved imposing a fine of Rs 1 lakh for each illegally cut tree.

Sending out a clear message that those indulging in illegal cutting of trees and damaging the environment must be dealt with an iron hand, a bench of justices Abhay S Oka and Ujjal Bhuyan rejected the plea of a man who had cut down 454 trees in the protected Taj Trapezium Zone. SC accepted the suggestion of

senior advocate ADN Rao, who is assisting the court as amicus curiae, that a message needed to be sent to offenders that the law and trees could not, and should not, be taken for granted. With its order, the court has set a benchmark on how much fine should be imposed in such cases.

"No mercy in environmental case. Felling a large number of trees is worse than killing a human. It will take at least 100 years minimum to again regenerate or recreate the green cover created by 454 trees which were blatantly cut without permission of this court though the embargo imposed by this court is right from the year 2015," the bench said.

The court accepted the re-

port of central empowered committee (CEC), which recommended a fine of Rs 1 lakh per tree for 454 trees which were cut last year by one Shiv Shankar Agarwal. Senior advocate Mukul Rohatgi, appearing for him, told the bench that his client had admitted the mistake and apologised and urged the court to reduce the fine amount, which he said was exorbitant. He said Agarwal should be allowed to do plantations at a nearby site and not on the same plot. Refusing to reduce the fine amount, the court allowed him to do plantations in nearby areas. In its report, CEC said 454 trees were illegally felled on the night of Sept 18 last year out of which 422 trees were on private land.

C M K

22 Feb, 2020

PM

11

Lokpal went against '91 verdict by 5-J SC bench

CJI Nod Must For Filing Criminal Cases Against Judges

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New Delhi: A full bench of the Lokpal headed by former Supreme Court judge A M Khanwilkar appears to have wasted its time in rediscovering that sitting judges of constitutional courts are public servants, for the issue had been settled by a five-judge SC bench in 1991 in the K Veeraswamy judgment.

In holding that sitting constitutional court judges come under the ambit of the Lokpal and Lokayuktas Act, 2013, the Lokpal full bench also went against the majority judgment of the SC, which had ruled that no criminal case can be registered against judges of HCs or SC without prior consultation with the Chief Justice of India (CJI).

The constitution bench of SC had said, "If the CJI himself is the person against whom the allegations of crim-

inal misconduct are received, the govt shall consult any other judge or judges of the SC".

"There shall be similar consultation at the stage of examining the question of granting sanction for prosecution and it shall be necessary and appropriate that the question of sanction (for prosecution) is guided by and in accordance with the advice of the CJI," SC had ruled.

SC had unanimously

QUESTION OF LAW

ruled that all judges are public servants. Since the ruling is a pre-collegium-era verdict, when judges were appointed or transferred by the govt after consulting the CJI, SC had laid down the procedure to allay the apprehension that such proceedings may get initiated against judges for collateral purposes.

"The CJI being the head of the judiciary is primarily

concerned with the integrity and impartiality of the judiciary. Hence, it is necessary that the CJI is not kept out of the picture of any criminal case contemplated against a judge. He would be in a better position to give his opinion in the case and consultation with the CJI would be of immense assistance to the govt in coming to the right conclusion," it had said.

Discussing the possible erosion of faith of people in the judiciary if the inquiry by CBI against a sitting judge is made public, SC had said, "Any complaint against a judge and its investigation by CBI, if given publicity, will have a far-reaching impact on the judge and the litigant public. The need, therefore, is a judicious use of taking action under the (Prevention of Corruption) Act. Care should be taken that honest and fearless judges are not harassed. They should be protected."

27 May, 2025

P-1

'Insensitive': SC stays All HC's rape remarks

A Serious Matter, Says Top Court

New Delhi: Supreme Court on Wednesday stayed Allahabad High Court's recent observations on grabbing of a woman's breasts and pulling the drawstrings of her "pyjama" not amounting to an attempt to rape and said it reflected total "insensitivity" and "inhuman approach".

Taking a strong exception to HC's observations made in its March 17 verdict, the apex court termed it a "very serious matter".

"In normal circumstances, we are slow in granting stay at this stage. But since the observations appearing in paragraphs 21, 24 and 26 are totally unknown to the canons of law and depict total insensitive and inhuman approach, we are inclined to stay the said observations," a bench of jus-

Cutting large number of trees worse than killing a human being, says apex court

Observing that the act of cutting a large number of trees was worse than killing a human being, Supreme Court on Tuesday said no mercy should be shown to people who damage the environment and approved imposing a fine of Rs 1 lakh for each illegally cut tree, reports Amit Anand Choudhary.

Sending out a clear message that those indulging in illegal cutting of trees and damaging the environment must be dealt with an iron hand, a bench of justices Abhay S Oka and Ujjal Bhuyan rejected the plea of a man who had cut down 454 trees in the protected Taj Trapezium Zone. **P 8**

Justices B R Gavai and Augustine George Masih said. The top court took suo motu cognisance of the matter after 'We the Women of India' collective wrote to CJI Sanjiv Khanna.

"Until further orders, there shall be stay to the observations made by the judge in paragraphs 21, 24 and 26 of the order dated March 17, 2025," the bench held.

The staying of HC's observations would mean the same

cannot be used in any judicial proceeding to seek relief by the present set of accused or others. The HC's verdict held that the attempt to rape offence was not made out against the accused and they were liable to be summoned for the lesser offence of assault or use of criminal force to woman with intent to disrobe her. **P 11**

► 'Lack of sensitivity', P 8

Judgment exhibits total lack of sensitivity: SC judge

► Continued from P 1

There is no allegation that the accused tried to commit penetrative sexual assault against the victim," the HC further said.

Justice Ram Manohar Narayan Mishra said: "On facts of the case a prima facie charge attempt to rape is not made out against the accused Pawan and Akash and instead they are liable to be summoned for a minor charge of Section 354(b) IPC, i.e., assault or abuse a woman with intent to disrobing or compelling her to be naked...."

Referring to the high court's observations, solicitor

general Tushar Mehta said: "This is one judgement I take a very serious exception." Attorney general R Venkataramani also appeared in the matter. "It is a very serious matter," Justice Gavai said, "exhibiting total insensitivity on the part of the judge."

The bench added, "We are sorry to use such harsh words against the judge." Mehta said the chief justice of the high court was the master of the roster there and it was advisable that some steps were taken. "We are at pains to say that some of the observations made in the impugned order and particularly in paragraphs 21, 24 and 26 de-

pict a total lack of insensitivity on the part of the author of the judgment," the bench said. The top court said it was not as if the judgment was dictated in the spur of the moment in the court.

It noted the high court had reserved its verdict on November 13, 2024, and after almost four months, the judgment was pronounced. "It is thus clear that the judge has authored the judgment after due application of mind," it said.

SC issued notices to Centre, UP government and the parties before the HC seeking their responses in the suo mo-

tu proceeding. "The registrar concerned of the this court is directed to forthwith communicate this order to the registrar general of the High Court of judicature at Allahabad, who shall place the same immediately before the Chief

Justice of the High Court of judicature at Allahabad, who is requested to look into the matter and take such steps as deemed fit and proper," the bench sa-

id. It posted the matter for hearing on April 15.

The accused had challenged the summoning order of a special judge in Kasganj under Section 376 (rape) of the

IPC, among other sections. It came on record that an application was moved before the court of special judge, POCSO Act, alleging that on Nov 10, 2021, she (informant) was returning from her sister-in-law's home along with her 14-year-old daughter and Pawan, Akash and Ashok, who hailed from the same village, met her on the way and offered a lift to her daughter.

They allegedly stopped their motorbike on the way to her village and grabbed her breasts. Akash was accused of dragging her and trying to take her beneath the culvert while pulling the drawstrings of her lowers. PTI



23 Feb, 2028

Don't need 'both hands intact' for MBBS: SC rejects 'ableism'

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New Delhi: Discarding the decades-old 'both hands intact' requirement for aspiring doctors, Supreme Court on Friday said it "reeks of glorifying ableism" and directed the National Medical Commission (NMC) to revise the outdated criteria to enable persons with disabilities (PwD) to pursue MBBS.

Accepting Dr Satendra Singh's report favouring admission to a PwD candidate and rejecting the report of a five-member AIIMS medical bo-

ard declaring him unfit to pursue MBBS, a bench of justices B R Gopal and K V Viswanathan asked NMC to report the progress in revising the eligibility criteria by March 3. Dr Singh, part of the board, had given a separate opinion.

► 'Can't bar candidates', P 20

Writing the judgment, Justice Viswanathan said, "The 'both hands intact' prescription has no sanctity in law as it does not admit of a functional assessment of the individual candidate, a matter which is so fundamental in protecting the rights of persons with disabili-

ties." Referring to Dr Singh's report, the bench said it had an interesting reference about how in an age when robotic surgeries are relied upon, NMC still insisted on the 'both hands intact with intact sensations' norm.

"A prescription such as 'both hands intact' reeks of ableism and has no place in a statutory regulation. In fact, it has the effect of denuding the rights guaranteed under the Constitution and the Rights of Persons with Disabilities Act and makes a mockery of the principle of reasonable accommodation," the bench said.

Can't bar candidate at the threshold: SC

► Continued from P 1

The Supreme Court said one should not assume incompetence without providing ample opportunities after ensuring clinical accommodations and assistive technologies.

"In our considered view, the correct approach is the one that Dr Satendra Singh has adopted — to not bar a candidate at the threshold but grant the candidate the choice after completing the MBBS course to decide whether he wishes to specialise in a non-surgical or medical branch or continue as a general duty medical officer," the bench said.

"In our view, this prescription of 'both hands intact'... propagates that persons with typical abilities and with faculties similar to what the majority may have are somehow superior. This is precisely what the Directive Principles of State Policy, the United Nations Convention and the RPwD Act abhor," it said.

THE TIMES OF INDIA

26 NOV, 2024

P1

SC junks pleas challenging words 'socialist' & 'secular' in Preamble

'Parl's Power To Amend Extends Also To Preface'

New Delhi: In a significant verdict, the Supreme Court on Monday dismissed pleas challenging the 1976 amendment to the Constitution adding terms "socialist", "secular" and "integrity" to the Preamble.

The words "socialist", "secular" and "integrity" were inserted into the Preamble to the Constitution under the 42nd constitutional amendment moved by the Indira Gandhi govt in 1976.

A bench of Chief Justice Sanjiv Khanna and Justice Sanjay Kumar had on Nov 22 reserved its verdict on the pleas filed by former Rajya Sabha MP Subramanian Swamy and advocate Ashwini Updhyay challenging the inclusion of the words "socialist" and "secular" in the Preamble to the Constitu-

'AFTER SO MANY YEARS, WHY RAKE UP THIS ISSUE NOW?'

► 1976 amendment to the Constitution added terms "socialist", "secular" and "integrity" to the Preamble during Emergency

► Subsequent elected Union govt, led by Janata Party, too supported the inclusion of these words in the Preamble

► SC bench had previously refused to refer the matter to a larger bench and said "being socialist" in the Indian

sense was understood to be a "welfare state"

► SC verdict today explained that after so many years the process cannot be so nullified, and that the date of the adoption of the Constitution in 1949 would not curtail the govt's power under Article 368 to amend the Constitution

► "It has almost been so many years, why rake up the issue now?" the top court asked

tion. One of the first petitions was filed by one Balram Singh through advocate Vishnu Shankar Jain in 2020.

"The writ petitions do not need further deliberation and adjudication. The amending power of Parliament over the Constitution extends to Preamble," the CJI said while pronouncing the verdict.

The CJI said the verdict explained that after so many

years the process cannot be so nullified. The date of the adoption of the Constitution would not curtail the govt's power under Article 368 and moreover this is not under challenge, the bench noted.

The amending power of Parliament extends to Preamble as well, it added.

A detailed judgement is awaited. While reserving the judgment, the bench said the 1976 amendment to the Con-

stitution adding terms "socialist", "secular" and "integrity" to the Preamble had undergone judicial reviews and it cannot be said whatever Parliament did during the emergency period was all nullity. The amendment changed the description of India in the Preamble from a "sovereign, democratic republic" to a "sovereign, socialist, secular, democratic republic".

Emergency in India was declared by the late PM Indira Gandhi from June 25, 1975 to March 21, 1977. The bench previously refused to refer the matter to a larger bench as sought by petitioners and said "being socialist" in the Indian sense was understood to be a "welfare state".

Advocate Ashwini Updhyay, who too filed a petition, said he was not against the concepts of "socialism" and "secularism" but opposed its insertion into the Preamble. ¶

► Separate paragraph, P 7

Can have separate paragraph below original: Swamy in SC

►Continued from P 1

Swamy who filed a separate plea, pointed out even the subsequently elected Union govt led by Janata Party supported inclusion of these words in the Preamble. He said the question was whether it should be added as a separate paragraph in the Preamble instead of saying in 1949, it was adopted as socialist and secular.

He said, "Not only the emergency Parliament adopted this but it was also subsequently supported by the Janata Party govt's Parliament by a 1:1 majority in which this particular aspect of socialism

and secularism was retained."

He added, "The issue here is only this much—whether we would make out that this should come as a separate paragraph because we cannot say that in 1949 these words were adopted. Therefore, the only issue that remains is, having accepted this, we can have a separate paragraph below the original paragraph."

In Sept. 2002, the top court tagged Swamy's plea with other pending matters—filed by Singh and others—for hearing. They sought deletion of the words "socialist" and "secular" from the Preamble to the Constitution. ■

March 20, 2015

P20

Open to 'fair debate' on Lokpal jurisdiction over HC judges: SC

Earlier, SC's Prima Facie View Was Such Jurisdiction Would Be 'Dangerous' For Independence Of Constitutional Courts

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New Delhi: Supreme Court on Tuesday created space for a "fair debate" on the contentious issue of anti-corruption watchdog Lokpal assuming jurisdiction to inquire into allegations of taint against high court judges even though the apex court had formed a prima facie view that this would be "dangerous" for independence of constitutional courts.

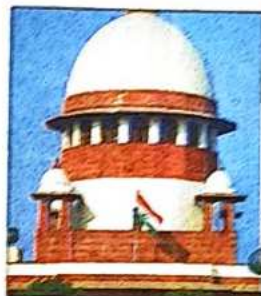
Solicitor general Tushar Mehta protested strongly against Lokpal assuming jurisdiction over high court judges and told a bench of Justices B R Gavai, Surya Kant and A S Oka that the Jan 27 order of the full bench led by Lokpal A M Khanwilkar, attempting to assume inquiry jurisdiction over HC judges, went against the procedure established through SC judgments for dealing with complaints against constitu-

tional court judges.

The bench agreed and said the field was already occupied and a mechanism was in place to deal with complaints against SC and HC judges. Mehta said the Supreme Court should examine only Section 14(1)(f) of Lokpal Act, which formed the basis for Lokpal's Jan 27 order.

Supreme Court Bar Association president and senior advocate Kapil Sibal said the SC, in its 1991 judgment in the Veeraswami case, had made it mandatory to obtain the CJI's consent before initiation of proceedings against a constitutional court judge. "The law must be clarified to ensure that complaints of this nature (corruption and misuse of office) are forwarded only to the CJI and not to any other authority," he said.

Lokpal's order had come on a complaint filed by a person accusing an HC judge of influencing an additional district judge and another HC



judge who were hearing suits filed by the complainant against a private company.

However, Sibal said there was a wider issue involved. "What happens if a person goes to a police station and wants to file an FIR (for a criminal act allegedly committed by an HC judge)? The fundamental issue is whether a complaint can be filed against SC and HC judges outside the mechanism provided under the Constitution and the additions made through SC rulings. The court may have to examine this issue in this case," he said.

The SG said whether a person could go to a police station to lodge an FIR did not fall within the ambit and scope of the issue arising

SC said the proceedings should not appear one-sided & appointed senior advocate Ranjit Kumar as amicus to present the contrary view for a fair debate on the issue

from Lokpal's Jan 27 order. The procedure for lodging a complaint against a constitutional court judge was provided in the Veeraswami judgment, he said.

The bench agreed and said it would examine the issues relating to Lokpal's jurisdiction to entertain complaints against HC judges. Justice Kant said the proceedings should not appear one-sided and added that there should be an amicus to present the contrary view for a fair debate on the issue. In its order, Lokpal had clarified that it did not have jurisdiction over SC judges. The bench appointed senior advocate Ranjit Kumar as amicus and posted hearing on the matter to April 15.

THE TIMES of INDIA

26 JAN, 2025

SC suspends life term, to study if murder convict was minor

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New Delhi: A 27-year search for Reji, a murder convict awarded life term, finally led to her arrest last June. But Supreme Court Friday suspended her sentence and agreed to test whether Kerala HC took the correct call in Sept 1996, saying there is evidence to suggest she may have been a minor while committing the crime on Feb 11, 1990.

In 1993, a trial court had acquitted Reji of murdering Mariamma (61), her employ-

er, in Alappuzha's Mavelikkara. The case then went to HC. As per prosecution records, Reji was 18 at the time of committing the murder and she allegedly stole a gold chain and earrings from the victim.

The prosecution appealed against the trial court acquitting her, after which Kerala HC on Sep 11, 1996, overturned the order to convict her and awarded life term. But police drew a blank as she disappeared from her native town immediately after the HC verdict. The cops, who only had a 1990 photog-

raph of Reji with them, failed to trace her for 27 years.

Police claimed she changed her name, married, had children, and kept shifting her profession and residence to evade arrest - from Kottayam to Kanyakumari in Tamil Nadi to Kothamangalam to Adivad by working as a domestic help and also sales woman in a shop. She was finally arrested by police on June 25, 2023, at Adivad at Pallarimangalam in Ernakulam's Pothanikkad, where she was living with her family under an assumed name, 'Mini Raju'.

31 JAN, 2025

P1

Can't disqualify those from outside state for PG medical seats, says SC

But Says UG Quota For Residents Of A State Is Okay

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New Delhi: Observing that there is no concept of state domicile in the Constitution, which only recognises domicile of India, Supreme Court on Wednesday said domicile-based reservation in specialised and higher studies like postgraduate medical courses is not permissible.

It added that quota for residents of states could be extended to a certain degree in undergraduate courses like MBBS.

Differentiating between MBBS and higher studies, a bench of justices Hrishikesh Roy, Sudhanshu Dhulia and SVN Bhatti said quota for UG courses was justified as

IN THE COURTS

➤ Pointing to legislative vacuum in protecting millions of house helps from exploitation, **SC directs govt to set up an expert panel to draft a legal framework for safeguarding their dignity & interests** | P 6

➤ **Bombay HC grants bail to six accused for the murder of CPI's Govind Pansare** in 2015, including one convicted in the Dabholkar murder case | P 6

➤ **Karnataka High Court quashes ED action against D S Natesha, former Muda commissioner**, in alternative site allotment case involving CM Siddaramaiah | P 6

the state spends money on creating infrastructure and bears expenses on running a medical college.

➤ **'We are domiciled', P 6**

SC: Prosecutors' quality bad, don't make political picks

New Delhi: Expressing concern over "deteriorating standard" of public prosecutors, Supreme Court on Wednesday said state govt should refrain from appointing them solely based on political considerations.

SC said the office of a public prosecutor is a public office, and only capable and competent lawyers with strong reputation and prestige should be appointed to it.

Saying that a prosecutor didn't correct Punjab & Haryana HC when it committed a grave error in convicting three people in a case, SC said, "Such is the standard of public prosecutors in HCs... This is bound to happen when state govt... appoint AGPs and APPs based on political considerations. Favouritism

How many triple talaq FIRs filed on men: SC

Terming triple talaq as indefensible after a five-judge bench in 2017 declared it unconstitutional, Supreme Court on Wednesday said it would examine the validity of the post-judgment legislation providing for up to 3-year jail term for Muslim men persisting with the practice. The top court asked the Centre to furnish data on FIRs against Muslim men for attempting to divorce wives through triple talaq. P 6

and nepotism are additional factors for compromising merit." TNN

➤ **'State owes duty...', P 6**

We all are domiciled in the territory of India: Top court

► Continued from P 1

Therefore, some reservation at the basic level of a medical course, ie MBBS, can be permissible for the residents, the SC said.

"We are all domiciled in the territory of India. We are all residents of India. Our common bond as citizens and residents of one country gives us the right not only to choose our residence anywhere in India, but also gives us the right to carry on trade and business or a profession in India. It also gives us the right to seek admission in educational institutions across India," the bench said.

"The benefit of reservation in educational institutions, including medical colleges, to those who reside in a particular state can be given to a certain degree only in MBBS courses. But considering the importance of specialists doctors, reservation at the higher level on the basis of residence would be violation of Article 14 of the Constitution," it added.

Justice Dhulia, who penned the verdict for the bench, said if such reservation was permitted in PG courses, it would be an invasion on the

SC for law to protect domestic workers

Pointing to the legislative vacuum in protecting millions of house helps from exploitation, Supreme Court on Wednesday directed Union govt to constitute an expert committee to draft a legal framework for safeguarding the dignity and safety of this huge, essential, yet unorganised workforce, and then enact a pan-India law, reports **Dhananjay Mahapatra**.

A bench of Justices Surya Kant and Ujjal Bhuyan said, "The simple reason for this harassment and rampant abuse, is the legal vacuum which exists vis-a-vis the rights and protection of domestic workers. Indeed, domestic workers in India remain largely unprotected and without any comprehensive legal recognition." SC asked the panel to submit its report within six months.

fundamental rights of several students, who would be treated unequally simply for the reason that they belonged to a different state in the Union, and this would be a violation of the equality clause in Article 14. He said each citizen of the country carried with him or her one single domicile, which was the "domicile of India", and the concept of regional or provincial domicile was alien to the Indian legal system.

The court said the classification between residents and others for MBBS courses could be justified as it sought to maintain a balance of local needs, backwardness of the area, the expense borne by the state in creating the infrastructure etc. The bench agreed

with the submission of senior advocate Nidhesh Gupta, appearing for a batch of aggrieved students, that reservation in admissions to PG medical courses within the state quota was constitutionally invalid and impermissible. In this case, the students were challenging 32 seats earmarked for Chandigarh residents in the Government Medical College and Hospital.

The bench referred to SC's earlier verdict, including one by a constitution bench, and said all admissions to PG courses in any institution should be open to candidates on an all-India basis and there should be no restriction regarding domicile in the state/UT in which the institution was located.

'State owes duty to judge law officers' ability'

► Continued from P 1

This judgment is a message to all state govts that the AGPs and APPs in respective HCs should be appointed solely on the merit of the person. The state govt owes a duty to ascertain the ability of the person; how proficient the person is in law, his overall background, his integrity, etc," a bench of justices J B Pardiwala and R Mahadevan said.

"Law officers are one of the important wheels of the chariot, driven by the Judges to attain the cherished goal of human beings to secure justice against the wrong doers. The main object of the state is to curb the crime, investigate and prosecute the offenders and punish them, with a view to maintain law and order, amity and harmony, tranquillity and peace. The various provisions of CrPC and the Rules provide the manner and procedure by which the public prosecutor should be appointed and provide assistance to the courts," SC said.



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THE TIMES OF INDIA

23 NOV, 2024

HC stays Karnataka waqf board's powers to issue marriage certs

TIMES NEWS NETWORK

Bengaluru: Karnataka high court passed Thursday an interim ruling keeping in abeyance until Jan 7, 2025, a state govt order permitting the state waqf board to issue marriage certificates. This follows a PIL which contended that the govt move "went beyond the legislative mandate of Waqf Act, 1995". "It is difficult to perceive that a marriage certificate issued by Waqf Board or officers

could be used as valid certificates for any official purpose," a division bench of Chief Justice NV Anjaria and Justice KV Aravind observed.

"In view of the strong prima facie case, the order dated Aug 30, 2023, authorising the board and officers to issue marriage certificates shall remain in abeyance until the next date of hearing. The waqf board or its officers shall not issue marriage certificates under the guise until the next

date," it said.

A Alam Pasha, a Bengaluru-based activist, had filed the PIL. "The entire power and functions of Waqf Board have been defined under Section 32 of Waqf Act, and the power to register a Muslim marriage cannot be said to flow from the said section. A bare perusal of Waqf Act makes it clear that Waqf Boards do not have the statutory power, mandate, or authority to register a Muslim marriage," the PIL said.

24 Dec 2024

P-4

THE TIMES OF INDIA, KOLKATA
TUESDAY, DECEMBER 24, 2024

Wife's kin, friends staying at man's place is cruelty: HC

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Kolkata: A woman's friend and family staying at her husband's place against his will for a long period can amount to cruelty, the Calcutta High Court said while granting divorce to a man on grounds of cruelty.

The divorce application was filed by the husband in 2008 after three years of marriage. They got married in Nabadwip and moved to Kolaghat in 2006 where the husband worked. In 2008, the wife moved to Narkeldanga, claiming it was more convenient for her as she worked in Sealdah. But during cross-examination, she claimed to have moved out due to a "helpless situation".

But even after the wife moved out of the husband's Kolaghat quarters in 2008, her family and a friend kept staying there. The wife also later moved to Uttarpara in 2016.

The division bench held: "Such imposition of friend and family of the respondent on the husband at his quarters against his will, sometimes even when the respondent-wife herself was not there, over a continuous period of time, can definitely be constituted as cruelty, since it might very well have made life impossible for the appellant, which would come within the broader purview of cruelty."

The husband pleaded cruelty on the grounds that they

'AGAINST HUBBY'S WILL'

- Couple got married in Nabadwip in 2005
- Moved to Kolaghat in 2006
- Wife moved out in 2008 to Narkeldanga
- Divorce case filed in Sept 2008 by husband
- Wife filed complaint against husband and his family in Oct 2008
- The lower court rejected divorce application in 2017



➤ Cal HC on Dec 19 granted divorce on grounds of cruelty

were living separately and the wife did not intend to return. He also argued that she moved to Uttarpara in 2016 during the pendency of divorce. The HC also noted that she moved to Uttarpara rather than Kolaghat, which is also quite a distance away from Sealdah.

He also alleged that she was not interested in a conjugal relationship or having a child. He highlighted the complaint filed by the wife against him and his family a month after he filed for divorce in 2008, where they were acquitted by the trial court.

The wife accused the husband of being "rude and greedy" who compelled her to hand over her salary to him and had eyes on her mother's pension.

The lower court had tur-

ned down the man's divorce plea inferring that she "does not wish to relinquish her dream, the feeling of love to her husband, and till now she has perceived that her husband will come to fetch her."

The division bench of Justice Sabyasachi Bhattacharya and Justice Uday Kumar dismissed the lower court judgment, stating: "The commendable chivalry of the learned Trial Judge is appreciated, but his judgment is not. The entire judgment is tainted with perversity and conjecture and the learned Trial Judge's personal views of matrimonial life, without adverting at all to the particular man and woman before the court." The trial judge opined that the husband should bridge the gap. The division bench found it beyond reason as to why it would be the sacred duty of the husband alone to "bridge the gap".

LEGAL TAKE

17 Dec 2024

P-6

Inter-caste marriage draws kin ire, HC orders cop cover for couple

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Dehradun: The Uttarakhand HC has directed the station house officer (SHO) of Bhagwanpur police station to provide protection to a married couple who filed a petition alleging threats to their lives from the woman's uncle and his two sons. The couple, Ekta Saini and Ashish Kumar Bodh, belong to OBC and SC communities, respectively, and informed the court that they got married on Sept 13, 2023.

During the proceedings, Ekta said her uncle and cousins are "after our lives" because they oppose her marriage to Ashish, who works as

Ekta said her uncle and cousins were 'after our lives' because they opposed her marriage to Ashish, who works for a telecom company

a distributor for a telecom company in Bhagwanpur, Haridwar. The state counsel informed the court that since both are above the legal age for marriage and did so voluntarily, as confirmed by their registration certificate, there was no objection to granting them protection.

The court accordingly disposed of the petition with a di-

rective to the SHO to provide protection for six weeks.

The court also sanctioned police protection for a newlywed couple from Jaspur in US Nagar district who said they are facing threats from the woman's family. Priyanka Rani and Priyankul Kumar said that they have studied only up to Class 10 and presented photographs to support their claim of marriage, despite Kumar being under the legal age. The court directed the Jaspur SHO to provide protection to them for six weeks.

In both cases, the court said after six weeks, police must reassess the threat perception to the petitioners and implement necessary measures to ensure their safety.

THE TIMES OF INDIA

4 Dec 2024

P-3

Protect witnesses, render accused powerless: Cal HC

Kolkata: Accused persons must be stripped of their power to such an extent that they do not disturb the witness, Justice Tirthankar Ghosh said while hearing a matter concerning the family of a minor girl, who was allegedly kidnapped and forced into marriage, being threatened.

"One thing I am very

much bothered about is this witness protection scheme, which the Bengal govt is not bringing. Multiplication of cases will not serve the purpose. By doing a case, can you give protection to a witness?" Justice Ghosh said. The girl's mother moved HC saying the accused had threatened them after the FIR. —

Srishti Lakhota

THE TIMES OF INDIA

09 JAN 2025

Remarks on woman's body structure can be sexual harassment: HC

TIMES NEWS NETWORK

Kochi: Kerala HC has ruled that comments about a woman's "fine body structure" can constitute a sexually coloured remark, thus falling within the scope of sexual harassment. Justice A Badharudeen made the observation while dismissing recently a petition filed by a Kerala State Electricity Board employee, who sought to quash a case against him for allegedly making sexual overtures towards a colleague.

The court said any utterance of words, sounds, gestures, or exhibition of objects intended to insult a woman's modesty or intrude upon her privacy amounts to an offence under Section 509 of IPC. The offence is punishable with simple imprisonment for up to three years and a fine.

The case dates back to 2017 when the petitioner allegedly made the remark. It was also claimed that the petitioner had been harassing the complainant since 2013 by making frequent voice calls and sending suggestive messages. The petitioner argued that referring to someone having a "fine body structure" could not be considered a sexually coloured remark. Justice Badharudeen rejected his contention.

UP woman gets life for killing husband: A Bareilly court sentenced a woman to life in jail for murdering her husband to pursue a relationship with her 17-year-old lover. The court convicted Aarti, 25, for murder of Rohit Kumar at his home before dumping his body in a field in Cantonment area on Jan 7, 2023, reports **Kanwardeep Singh**. Police said the minor lover and another 17-year-old accomplice helped her kill Rohit in his house.

P-8

17 Dec 2024

P-6

Court picks a name for toddler, reunites its estranged parents

TIMES NEWS NETWORK

Mysuru: Shakespeare may have pondered "what's in a name?" For an estranged Mysuru couple, the answer was left to four judges and a bevy of other judicial officers who picked a name for their three-year-old baby.

The court-chosen name of "Aryavardhana" Saturday also had a picture-perfect ending for the couple, pulling them back from the brink of divorce to a happy reunion as they exchanged garlands and left their bitter three-year fight behind.

After their baby was born in 2021, the couple from Hunsur in Mysuru district fought over the choice of name. The new mother started calling the baby 'Adi', a name not formally registered with any govt agency for birth records. The hus-



band, who never met his wife after she announced pregnancy and even after the birth of the baby, didn't agree with the suggestion. He wanted a name reflecting god "Shani". The court suggested a third alternative

band, who never met his wife after she announced pregnancy and even after the birth of the baby, didn't agree with the suggestion. He wanted a name reflecting god "Shani".

With the couple failing to strike a middle path for nearly two years, the wife moved court seeking maintenance under Section 125 of CrPC.

At this point, an assistant public prosecutor, Sowmya MN, said they made several suggestions that would appeal to the couple, who finally agreed on the name "Aryavardhana".

The district and sessions court in Hunsur then formalised the "consensus" name at the hearing Saturday. Soon after, the couple buried their differences and distributed sweets to mark their reunion, according to Hunsur Taluk Bar Association president S Shivanne Gowda.

Additional district judge H Govindaiah, senior principal judge Zaibunnisa, additional civil judge (senior division) Anita, additional civil judge (junior division) and presiding officer Puja Belikeri were among those present at the proceedings, unusual in many ways.

19 Feb 2025

P-1

HC: UCC doesn't invade privacy of live-in couples

Uttarakhand HC on Monday questioned a petition that challenged the mandatory registration of live-in relationships under the state's Uniform Civil Code, asking how it violated privacy when couples were already "openly living together". The division bench headed by Chief Justice G. Narender said state govt was not prohibiting such relationships "but only requiring registration". It dismissed claims that this amounted to an invasion of privacy, **reports Pankul Sharma**. The petitioner had moved court arguing that the provision "institutionalised gossip and intruded on personal choices". The CJ said: "Are you living secretly, in some secluded cave? You are living among civil society. You are brazenly living together without there being a marriage. And then what is the secret?"

THE TIMES OF INDIA
22 Feb, 2020

98

HC sees through woman's attempt to mislead it for maintenance

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Kolkata: The Calcutta High Court on Wednesday scoffed at an attempt by an estranged wife, a chartered accountant, to mislead the court about her earnings to seek higher maintenance from her husband. The HC dismissed the monthly maintenance of Rs 50,000, as sought by a lower court, asking them to adjudicate.

Justice Ajay Kumar Gupta observed that not only did the woman suppress facts before the court below, which allowed for the interim maintenance of Rs 50,000, but also tried to mislead the HC single bench by

The woman showed different monthly expenses—Rs 1,70,000, Rs 1,80,000, Rs 1,00,000—in three affidavits

filing three affidavits the same day, showing different incomes and companies she worked for. While she showed she earned Rs 1,75,000 a month from a company in one affidavit, in another, she showed that apart from the Rs 1,75,000 a month, she also earned Rs 10,000-Rs 18,000 a month from home tuition, which added up to Rs 1,85,000 to Rs 1,93,000 a month. In a third

affidavit, she showed herself as unemployed. "As such, she is not entitled to get interim maintenance, as prayed for. Also, she is well-educated and earns more than her actual general expenses. She is well-capable of maintaining herself with her own income. She can maintain a standard of living similar to that of her husband as her earning is more or less similar and sufficient," Justice Gupta stated in a judgment on Feb 19.

The couple got married on Jan 29, 2020 and lived in Indore. Following marital strife, the woman started living at her parental home from Nov 12, 2020. She lod-

ged a complaint at the Belur police station against the husband and his family under section 498A and other sections of IPC as well as under the Dowry Prohibition Act. A plea was also filed before the magistrate, seeking a maintenance of Rs 1,80,000 and interim maintenance of Rs 1,50,000. The lower court allowed an interim maintenance of Rs 50,000.

The husband, a staff software engineer earning Rs 1,93,669 a month, moved the HC, challenging the order. The woman also showed different monthly expenses—Rs 1,70,000, Rs 1,80,000, Rs 1,00,000—in three affidavits.

3 MARCH, 2025

Adulterer must be made party if adultery cited as divorce basis: HC

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Madurai: In cases where divorce is sought on grounds of adultery, the alleged adulterer should be made a party to the case as a co-respondent if the details of the adulterer are known, the Madras high court has ruled.

Only if the details of the alleged adulterer are not known can there be an exception from making the alleged adulterer a party, that too after getting leave from the concerned court, it added.

"It is the most appropriate thing to do. Some judges have taken the view that it will amount to invading the privacy of the third party. We do not think so. Accepting the case of the pet-



itioner suing for divorce on the ground of adultery would result in casting stigma and aspersion on the character of the person with whom the respondent is said to have had an adulterous relationship," a division bench comprising Justice G R Swaminathan and Justice R Poornima observed on Friday.

"Yet another reason for taking the above view is that it would discourage one from making reckless allegations. If making the alleged adulterer a co-respondent is made mandatory, one would think twice before putting forth baseless allegations," the judges said.

The court was hearing an appeal preferred by a

woman challenging the order of the Sivaganga family court granting a divorce to her husband, who sought dissolution on grounds of adultery.

"We can conceive of cases and situations where in one of the spouses failed to keep the vows of marital fidelity. It could be a solitary lapse. He or she could have gone for what is called in current parlance a 'one night stand'. This could have been subsequently discovered by the other spouse. A person committing a mistake often leaves a trail inadvertently. Sometimes there could even be a confession due to pangs of conscience," the bench said. If the other party is unforgiving, he or she may choose to snap marital ties on this ground.

pu

4

HC: Married woman can't claim false marriage vow

Junks Rape Case Against Petitioner

TIMES NEWS NETWORK

Jabalpur: Madhya Pradesh HC, while quashing a rape case on Feb 10, ruled that a married woman cannot claim that her consent for physical



relations with another man was obtained under a false promise of marriage.

The petitioner, Virendra Yadav of Chhatarpur, was booked for rape last year on the complaint of a married woman. He moved HC challenging the allegations. Yadav argued that the woman's rape claim wasn't valid as she was already married and had willingly established physical relations with him.

Yadav's counsel contend-

3 get life term for killing 10-year-old

A local court has sentenced a man, his wife, and his sister to life imprisonment for torturing his 10-year-old daughter to death, reports **Kanwardeep Singh**. Additional district and sessions judge Arvind Kumar Yadav cited the Supreme Court ruling in Nupur Talwar vs State of UP and Anr, 2018, while pronouncing Ravi Babu Sharma, 36, Ritu Sharma, 34, and Radha Devi, 42, guilty, observing, "In a case based on direct evidence, the prosecution has no need to prove motive." The trio killed Kajal and buried her body in the courtyard on Aug 20, 2020. The crime was reported the same day by Ritu's son. Police exhumed the body on Aug 23 and an autopsy confirmed that Kajal had not died naturally. She had 15 injuries.

ed that the woman's consent couldn't be deemed as obtained through "misconception of facts" as she was well aware of the nature of their relationship. HC took into account the complainant's statement in the FIR, wherein she mentioned having been in a relationship with the petitioner for three months. She added that Yadav would visit her house whenever her husband was away, and they would engage in consensual physical relations.

After examining various facts, Justice Maninder S Bhatti observed no allegation

of coercion or force by the petitioner in their relationship.

The complainant's claim that the petitioner had promised to divorce his wife and marry her was noted in the FIR. HC, however, found no direct indication that the woman was persuaded under false pretences to engage in sexual relations with the petitioner.

Based on these observations, Justice Bhatti ruled that the woman's consent was not obtained through deceit, and quashed the FIR against Yadav. He ordered the cancellation of the rape case, and the petitioner was acquitted.



OTHER IMPORTANT LEGAL NEWS

P13

Judge who resigned entitled to pension benefits, rules HC

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Mumbai: Bombay high court held that the term 'retirement' is of wide import and includes 'resignation' and not merely 'superannuation' under the law governing high court judges' salaries, and ruled that former HC judge Pushpa Ganediwala, who had resigned from services, is entitled to pension.

The bench of chief justice Alok Aradhe and justice Bharati Dangre noted that five other HC judges who tendered their resignations were also receiving pension, and set aside a Nov 2022 order of HC registry that held former judge Ganediwala was not entitled to claim pension. Ganediwala served an additional HC judge for three years and 11 years as a district judge.

"The expression 'retire-

ment' used in Sections 14 and 15(1) (provisions governing pension for judges) of the High Court Judges (Salaries and Conditions of Services) Act, 1954, includes resignation as well," the HC stated.



Ganediwala, in her petition said she was appointed as an additional judge of HC in 2019 and claimed despite the Supreme Court recommending a two-year extension, the Centre had given her an extension of only one year, which led to her resignation on Feb 11, 2022.

She filed a petition before HC in 2023 after she was informed she was not eligible to claim pension. Senior counsel, Sunil Manohar, appearing for Ganediwala, argued a judge holds a constitutional office and not a post under govt, and therefore, a claim for pension has to be decided in light of the constitutional as well as statuto-

ry provisions. The word 'retirement' under the Act cannot be construed narrowly and "general principles of service jurisprudence cannot be made applicable" when deciding pension claims of a former HC Judge, he argued.

Senior counsel Virendra Tulzapurkar, for HC registry, said "resignation by an HC Judge results in forfeiture of pension claim".

After hearing both sides, HC said "resignation is one of the modes of retirement from service" and added the term 'retirement' has not been used in a restricted sense to mean retirement on superannuation only.

The court ruled that the former judge is entitled to pension from Feb 14, 2022.

Ganediwala, while presiding as a judge in Nagpur bench of Bombay HC, had kicked up a controversy in Jan 2021 after she passed an order in a Poocho case.

26 JAN 2025

P1

**Travelling
abroad a right,
says Del court**

A Delhi court has directed the ED to suspend a lookout circular (LOC) against the erstwhile promoter of Kwaliti Ltd, Siddhant Gupta in a money laundering case, saying travelling abroad was a constitutional right. Principal district and sessions judge Anju Bajaj Chandna allowed the application seeking directions to the ED for suspension of the LOC issued by it from Jan 25 to Feb 8 to enable him to visit Singapore to drop his daughter and make arrangements for her there for further studies. AGENCIES

THE TIMES OF INDIA

21 Feb, 2025

P3

'Drug report can be sent to court directly'

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Kolkata: In a case under the Narcotic Drugs and Psychotropic Substances Act (NDPS Act), if the lab sends a chemical examiner report directly to the trial court, it does not cause any prejudice to the accused, the Calcutta HC recently held while refusing statutory bail to an accused.

The accused approached the bench of Justice Arijit Banerjee and Justice Apurba Sinha Ray, claiming that the lab cannot send the report directly to the trial court. Based on previous judgments that the charge sheet filed within 180 days without the FSL report is incomplete, giving the accused a right to statutory bail, the accused filed the application.

In the accused's case,

the charge sheet was filed within 180 days without the FSL report. However, the twist in the case was that the accused filed the application a day after the lab sent the chemical report to the trial court. He was arrested on Feb 21, 2024, with some commercial quantity contraband articles. The charge sheet was filed on Aug 16. The chemical examiner directly sent the FSL report to the trial court on Sept 26, while the accused filed a statutory bail application on Sept 27.

The IO submitted a supplementary charge sheet along with the FSL report on Oct 30. The question before the division bench was whether the lab sending the report directly to the trial court can be considered as "due observance of the law of the land or not."

f2

Take action against any political party ransacking a govt office: HC

'Cannot Destroy Govt Property And Get Away'

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Kolkata: The govt office does not belong to any political party, it is public property, the Calcutta High Court said on Monday. "Any party ransacking that must be charged under appropriate sections of law," the court said. The HC was hearing a case on the ransacking of a panchayat office in Malda.

Justice Tirthankar Ghosh also directed the police to conduct further investigation into the case regarding the mobbing of the Ratua-II panchayat samiti president and the ransacking of the panchayat office. Police were also asked to file

a fresh report.

"It's a govt office, you will have to give PDPP (Prevention of Damage to Public Property). You cannot destroy govt property and leave," Justice Ghosh stated.

The writ petitioner in the case was the president of the samiti. He prayed for police protection, fearing for his life. To which Justice Ghosh said: "You are a public representative. Why are you insecure?" He directed the police to keep a strong vigil so that he is "not made a victim of circumstances".

The petitioner, Amiruddin, alleged that the panchayat office was surrounded by anti-social elements on Sept 8, 2023, around 7.30 pm. In the FIR, four people were named, identified as Rajesh Roy, Chhoton Roy, Dipak Barman (gram panchayat candidate of Congress), and Rupis Sk (Niddal candidate).

It was claimed that local people rescued the president and informed the police. A written complaint was lodged at Pukhuria police station against the accused under sections 341 (wrongful restraint), 323 (voluntarily causing hurt to another person), 325 (causing grievous hurt), and 34 (multiple persons committing a criminal act) of Indian Penal Code.

It was contended that the petitioner was again targeted by Ashraful Haque of Kububganj on Oct 16, 2023, along with others. They assembled at the panchayat office. He informed the police authorities and sought protection. He, by letter dated Nov 28, 2023, urged the police to take steps against the accused as he faced a threat.

The matter was kept pending by Justice Ghosh. One month's time was given to the police to progress in the probe and file a fresh report. The matter will be heard again on Dec 17.

HC reprimands CID for 'mere lip service'

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Kolkata: Calcutta High Court on Monday reprimanded CID for submitting a report reflecting "mere table work and lip service" in a cross-border smuggling case wherein the high court had directed formation of a special task force (STF).

CID senior superintendent of police, Malda, was directed to take immediate steps for course correction and undertake effective investigation on the FIR. He was directed to be personally present in the high court and explain his conduct on "failure to take prompt steps".

In an anticipatory bail plea filed by the co-accused in a smuggling case, the court had directed formation of the STF under the supervision of CID ADG. BSF had apprehended one person and reco-

vered 50 cough syrup bottles and 37 mobile phones. A case was registered against 20 people but they were discharged. The CID filed a report before the division bench of Justice Joymalya Bagchi and Justice Gaurang Kanth.

The report included that the superior investigating officer had prayed for obtaining a case diary from the court on Nov 14 and for interrogation of the accused.

"Your officers don't talk to each other, they send requisitions. There is no telephone," Justice Bagchi told the CID counsel and asked why case diary was not obtained from the local PS.

Similarly, the jail interrogation of accused Delwar Sk. could have been done by physically visiting the jail, Justice Bagchi observed.

1 MARCH, 2025

P1

HC to U'khand: Should govt take fresh UCC suggestions?

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Dehradun: Uttarakhand High Court on Thursday asked the state whether fresh suggestions should be invited and amendments considered for the Uniform Civil Code (UCC). A division bench of justices Manoj Tiwari and Ashish Naithani made the observation while hearing two petitions challenging the constitutional validity of the UCC Act. One petition was filed by social activists and another by a live-in couple. The court directed the state to file a counter by April 1.

Advocate Vrinda Grover, appearing for the petitioners, argued that the UCC creates an "excessive surveillance regime, policing personal choices within the right to privacy." Grover, contended that the UCC establishes a framework for inquiry, authorisation, and penalisation of partner choices. The court asked solicitor general Tushar Mehta whether the state should reconsider its provisions.

18 Mar, 2025

P-7

HC: Need courage to even read brain damage details

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Mumbai: The advocates of Nidhi Jethmalani who is in a persistent vegetative state after being knocked down by a car owned by WR at Marine Drive in 2017 argued that she suffered the severest form of traumatic brain injury which is irreversible.

Her advocates, Saumen Vidyarthi and Rushabh Vidyarthi, drew an analogy of her condition with the late nurse Aruna Shanbaug, who was in a persistent vegetative state for over 41 years. The judges said the brunt of the accident was taken by Nidhi's head, "resulting in severe damage to the brain, which for a layperson in medicine requires quite a courage to even read the details".

Justices Girish Kulkarni and Advait Sethna, on March 6, said: "We request the officers concerned of the respondent (WR) to take instructions at the highest level of the ministry (railway minister), who in our opinion would graciously consider and sympathise with the gross facts of the case and take a de-

cision, without this being treated as a precedent."

The judges noted that "incredibly" Nidhi's "ever-caring" parents "have taken every effort to provide expensive medical aid for their daughter". Considering the tremendous expenditure to be incurred, the ordeal of the parent and Nidhi's suffering, "the award amount, in our opinion, is certainly insufficient to cater to such expenditure".

Observing that "the proceedings ought not to be adjudicated as this is a fit case which needs to go for settlement", the judges requested the Vidyarthis and senior advocate G S Hedge and advocate T J Pandian, for WR, to make an attempt for a settlement considering "such a painful nature of the case". Nidhi's father offered to settle for Rs 5 crore, excluding the amounts paid earlier.

Adjourning the hearing, the judges were quite sure that "considering the peculiarity of the case... the respondents would show magnanimity" to settle the amount as offered on Nidhi's behalf.



8 March, 2025

P2

Cal HC judge Joymalya Bagchi set to be CJI in 2031

New Delhi: The five-member Supreme Court collegium, led by CJI Sanjiv Khanna, on Thursday recommended Justice **Joymalya Bagchi**, a judge of Calcutta HC, for appointment to the SC, which has two vacancies in its sanctioned strength of 34 judges, reports **Dhananjay Mahapatra**.

If Union govt accepts the recommendation, Justice Bagchi will be in line to become CJI on retirement of Justice K V Viswanathan on May 25, 2031. He will hold office till



Oct 2, 2031. He would become first from Calcutta HC to become CJI since retirement of Justice Altamas Kabir on July 18, 2013, as CJI. Justice Bagchi will supersede 11 judges, including CJs, across HCs and will be the second judge from Calcutta HC in SC, which at present is represented by Justice Dipankar Datta.

► **Handled RG Kar case, P 4**

4

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Justice Bagchi handled RG Kar case

► Continued from P 1

The collegium, also comprising justices B R Gavai, Surya Kant, A S Oka and Vikram Nath, settled on Justice Bagchi after considering the judgments and judicial acumen of several judges and CJs of HCs, who were being considered for elevation to the top court.

The Justice Joymalya Bagchi-led bench has handled sensitive cases relating to R G Kar Hospital rape-murder incident, as well as those related to the teacher recruit-

ment scam. As a lawyer, Bagchi had successfully argued before a special bench of Calcutta HC against the ban imposed by West Bengal govt on Taslima Nasreen's book "Dwikhondita".

A Calcutta Boys' School alumnus, Bagchi had ranked first in his Calcutta University LLB examinations in 1991. In the same year, he had enrolled as an advocate and started practising in Calcutta HC.

As a lawyer, he had argued against death sentences both in HC and at Supreme Court. He is also an author and loves to teach law stu-

dents. In his parent HC, Justice Bagchi would be superseding justices Harish Tandon and Soumen Sen. While Justice Tandon was appointed as a judge of Calcutta HC on April 13, 2010, Justice Sen was appointed as a judge exactly a year later. Justice Bagchi was appointed judge on June 27, 2011.

The collegium decided to recommend to Union govt his appointment as Orissa HC Chief Justice. Orissa HC at present has an acting CJ in Justice Arindam Sinha, who was transferred from Calcutta HC to Orissa HC on Oct 8, 2021.

Cal HC reins in state govt from selling its property in KMC area

Subrato Chatteraj | TNN

Kolkata: Calcutta HC on Friday temporarily restrained Bengal govt from selling or transferring any of its immovable property within KMC limits and West Bengal Industrial Development Corporation (WBIDC) from selling or transferring its headquarters — the building named Protiti — on Camac Street.

The injunction will be in effect till Feb 28, 2025.

The court orders came after Essex Development Investments Mauritius Limited — linked to The Chatterjee Group (TCG) — moved HC to execute a Rs 2,171 crore arbitration award against Bengal govt.

TCG had previously won this arbitration award against govt in a commercial dispute over the latter's failure to pay financial incentives to Haldia Petrochemicals Ltd. This award was upheld by

HC. Bengal govt moved a special leave petition (SLP) against this in Supreme Court, which dismissed the plea. Following this, TCG had moved HC again for realisation of the amount due to it.

"There is a subsisting award of Rs 2,171,87,68,877 against the respondents," Justice Shampa Sarkar said in her order. "The same has to

► 'Award a nullity', P 11

be protected during the pendency of the proceeding for enforcement." The case will be heard again on Jan 3, 2025.

Bengal govt "shall be enjoined from creating any third party interest by way of transfer, sale or assignment of any of its immovable properties within the limits of KMC," Justice Sarkar said in the order.

She said WBIDC "will also be enjoined from transferring, selling, encumbering and alienating" Protiti.

11

Arbitration 'award a nullity' and can't be executed: AG

► Continued from P 1

Advocate general Kishore Dutta had argued that the arbitration "award is a nullity" and could not be executed in the first place. He also argued against the legal maintainability of the execution. The AG argued that if a decree is passed "either in ignorance of law or in violation of law, the same is a nullity and void. The same cannot be executed."

Senior advocate Ratnanko Banerji, arguing for the petitioners, said similar legal points had previously been made by the state in HC and SC. The HC had explained in detail why the award could not be stayed unconditionally. Since these legal points were not entertained by the HC and SC, these issues could not be raised during the execution stage, he argued. HC asked both parties to submit their affidavits within two weeks. "The point as to whether objection as to executability of the award can be raised at stage of execution and whether execution case can be rejected on this ground alone shall be decided after exchange of affidavits," it remarked.

15 Dec, 2024

P5

5

'Strike balance between functions & education'

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Kolkata: The Calcutta High Court heard out a seven-year-old trapped in a bitter custody battle and allowed her to go with her father for a family wedding on "a three-day temporary custody". The child told the HC that she wanted to be with both her parents, prompting the HC to stress that "a balance needs to be struck between imparting education and her getting acquainted with close relatives".

The mother had opposed the temporary custody plea on the grounds that it would interfere with the child's education and that the father has criminal precedence. Both the child's parents are senior doctors. In his order, Justice Raja Basu Chowdhury said: "It would be relevant to note that both the parties are not only well-educated but are doctors. Notwithstanding the same, the rela-

2022 CASE

> Father could video call his daughter on Mondays, Wednesdays and Fridays from 8 pm to 9 pm

> He could visit her from 7.30 pm to 9 pm on Saturdays

> On Sunday, he could take the child for an overnight stay and drop her to school at 7 am on Monday

> The father could visit the child on Durga Pujas, Kali Pujas and Diwalis from noon till 8 pm

tionship between the parties appears to be sour."

The HC held that the charge sheet in the criminal complaint against the father cannot interfere with his right to either seek visitation rights or to seek temporary custody, especially when the division bench of the high court, in an earlier occasion, had allowed the same. Justice Basu Chowdhury also took into account

the child's wishes. Hence, he allowed the father to pick up the child on Friday at 5 pm and return her at 6 pm on Monday.

The father had approached Calcutta HC challenging the order passed by the Alipore additional district judge, which denied his application seeking temporary custody of his daughter for three days to attend a cousin's wedding.

Since 2021, the child has been living with her mother. The father used to visit the child at the mother's place. Things turned bad on Sep 6, 2022, when he took the child away, stating that he would drop her by evening but denied handing her over and took the child to his residence without informing the mother.

The mother filed an application under Act VIII of the Guardians and Wards Act, 1890 on Sep 5, 2022, since when the custody dispute matter is going on in the lower court.

19 Feb 2025

P-10

Give EWS category 5-yr age relaxation in civil services: HC

Ashutosh Shukla & Siddharth Pandey | TNN

Bhopal/Jabalpur: Madhya Pradesh HC, in an interim order, directed Union Public Service Commission (UPSC) to allow candidates from economically weaker sections (EWS) category to fill the form for Civil Services Exam with a five-year relaxation in maximum age limit, and permit them nine attempts as provided to candidates of other reserved classes.

The results of these candidates will, however, be subject to the court's final verdict, the bench of Chief Justice Suresh Kumar Kait and Justice Suresh Jain has said in its Feb 14 order.

The petitioner, Aditya Narayan Pandey from MP's Maihar town, has questioned why EWS applicants don't get the same benefits in age relaxation and number of attempts as other reserved classes.

UPSC has advertised 979 posts for Civil Services Exam 2025 and the prelims are on May 25. The petition argues that EWS candidates should have parity with candidates of other reserved classes and should not be clubbed with general category candidates in terms of eligibility criteria. Candidates from reserved classes, like SC/ST/OBC/physically disabled, get five years' relaxation in upper age limit and nine attempts.



The petition argued that EWS candidates should have parity with candidates of other reserved classes & should not be clubbed with general category candidates in terms of eligibility criteria

The counsel for Centre and UPSC sought time to file objections to the petition, but HC said: "Since the last date to fill up forms is approaching, we deem it appropriate to permit the petitioner to apply for the same. UPSC is directed to accept the application of the petitioner as well as all other similarly situated candidates for CSE-2025 without reference to the existing qualification or age, but subject to compliance of other conditions. The applications will be accepted on the aforesaid condition up to seven days from today (Feb 14) and subject to further orders of this court."

"However, appointment orders of such candidates... shall not be issued without leave of this court," HC said. The next hearing is Tuesday.

19 Dec 2024

P-2

Protesters cannot hold innocent people to ransom by blocking highway, railway: HC

Subrata Chattoraj &
Srishti Lakhota | TNN

PROTESTS IN 2022, 2023



A file picture of a railway blockade by protesters

> Similar protests were conducted by the organisation and its members in Sept 2022 and April 2023

> According to a South Eastern Railway (SER) official, the protest in April 2023 resulted in the cancellation, diversion and rescheduling of more than 300 trains

> In court, it was pointed out that

Indian Railways suffered a loss of Rs 60 crore

> **Chief Justice on this petition:** They propose to block the national highway from 6 am on Dec 20. The question would be whether the organisation or the organiser can do so. The answer to the question should be a definite 'no'

The organisation, wanting to stage a demonstration, demanding the fulfilment of the rights of tribal people, particularly the Santhali community, had made a representation to chief minister Mamata Banerjee, demanding its

immediate implementation. The six-point demand from the organisation included the setting up of Santali Education Board for Santhali-medium education and action against fake ST certificates. They demanded the formation

of a committee, headed by a retired HC judge to oversee the implementation, to which the bench noted Advocate General Kishore Datta's statement that the state had already taken action and that a case was already pending in the high court. Chief Justice Sivagnanam held: "None of the demands can be sought to be enforced by writ of mandamus as essentially they deal with policy matters as well as the classification of a particular community as a reserved category under the Constitution of India." Hence, the bench advised the state govt to consider their demands and call for a discussion.

The bench relied on their earlier order, where they declined the request of the Kurmi community, who planned an agitation proposing to indefinitely block the national highway and railways, affecting train services and the movement of other transport on Sept 20, 2023. The bench on Tuesday was informed that after they withdrew the protest following HC orders, they had stormed into Kolkata without prior notice or permission, causing great inconvenience to people in the city. It was also alleged that people were injured during the alleged "rampage".

Kolkata: Innocent citizens could not be held to ransom by indefinite protests on national highways and on railway tracks, the Calcutta High Court reiterated on Tuesday, restraining a social welfare organisation from conducting a highway block on Friday. The state was given the liberty to take action against people who violate the high court's order.

The organisation informed the NHAI that they were going to block NH-6 if their demands were not fulfilled and that they "would be forced to embark on a mass movement on Dec 20, involving thousands of tribal people". Chief Justice T S Sivagnanam strictly stated that they could not protest on highways or rail tracks even for a day. When asked if they could protest elsewhere, the CJ asked the organisation to take appropriate permission.

A writ petition was filed before the division bench of CJ Sivagnanam and Justice Hiranmay Bhattacharyya, seeking to restrain the organisation from staging the protest on the highway, as planned.

10 Dec 2024

P-6

HC: Hry can regulate mobile towers, levy fee

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Chandigarh: Haryana govt can enact rules to regulate installation and operation of mobile towers and impose fees as well, ordered a full bench of Punjab and Haryana high court. Telegraph Act does not override state govt's legislative competence to enact or promulgate legislation and rules, court added.

Justices Lisa Gill, Sudhir Singh, and Suvir Sehgal passed the order on Friday while examining the legislative competence of a notification issued by Haryana govt on April 12, 2012. It had inserted several sections in the Haryana Panchayati Raj Act, 1994, and the Haryana Panchayati Raj (Regulation of Communication Towers) Rules, 2012.

Cellular companies said the location of mobile towers are based in a scientific survey, which takes into account requirements such as signal strength and users' needs for connectivity.

THE TIMES OF INDIA
23 NOV, 2024

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Proceedings against Delhi ex-CM to continue: HC

TIMES NEWS NETWORK

New Delhi: Delhi High Court on Thursday refused to stay the proceedings against former CM Arvind Kejriwal in a money laundering case linked to irregularities in the state excise policy of 2021-22.

Justice Manoj Kumar Ohri, however, sought the response of ED on the plea challenging a trial court's order taking cognizance of a chargesheet in the case without sanction.

The case will be heard on Dec 20. The former CM argued that cognizance of the chargesheet was taken by the special court in the absence of the required sanction for his prosecution as he was a public servant when the alleged offence was committed.

Solicitor general Tuskar Mehta submitted that sanction was obtained to prosecute Kejriwal and an affidavit would be filed.

14 Dec 2024

P-2

Protect children from long custody battles: HC panel

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Kolkata: A Calcutta High Court committee on Thursday submitted a report on specific guidelines for child visitation and custody to insulate kids from the bitterness of a protracted legal battle.

In 2021, a PIL was filed by Ratul Roy, seeking the implementation of a dedicated guideline on this matter. Roy cited the guideline titled 'Child Access and Custody Guidelines Along with Parenting Plan,' which was submitted by an NGO, Child Rights Foundation.

This guideline were circulated for guidance and information by the high courts in Mumbai, Kerala, Madhya Pradesh, Punjab, Haryana and Karnataka. The guidelines have chapters on final visitation guidelines, guidelines for par-

INSULATING KIDS

> Report on specific guidelines for child visitation and custody submitted on Thursday by the rule-making committee of the high court's original side

> References made to 'Child Access and Custody Guidelines' circulated for guidance by Bombay High Court, Kerala High Court, Madhya Pradesh High Court, Punjab and Haryana High Court, and Karnataka High Court

ties residing within a 200-km driving distance, for parties not residing within 200 kms, joint custody, psychological evaluation and child's wishes, and the role of a counsellor.

It states that for interim visitation for children above 36

months in cases where the non-custodial parent is not being given access, they can use the children's complex room situated within family court premises or any other place approved by the family court. In cases where a custody order is pending, it is stated: "In the absence of prior agreement between the parties and proper notification of the daycare or school—except in the event of an emergency—the non-custodial parents shall not remove the child from daycare or school for visitation or otherwise." The guidelines have also specified access during the mother's or father's birthday.

In the Calcutta HC PIL, Roy sought directions to implement a specific and workable guideline regarding child custody, visitation, and guardianship in child custody matters in the state, which is in sync with other high courts.

THE TIMES OF INDIA

30 NOV 2024

P1

Can't install CCTV cams in house without resident's consent: Cal HC

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Kolkata: Installing CCTV cameras in a residential property, without the resident's permission, violated her privacy, Calcutta High Court has recently said. The court said a woman, who had alleged that her estranged husband had installed such cameras in a home she co-owned — and where she primarily lived — was well within her rights to remove the devices.

"If she is in possession (of the property), she will deacti-

vate the CCTVs", Justice Tirthankar Ghosh said, directing the local police (Tollygunge PS, in this case) to see to it that no disturbance took place in the process.

The court was hearing, on Monday, a plea filed by an ac-

► 'Can't breach privacy', P 2

tor and dancer who, after marital dispute with her husband, started living in a flat in Tollygunge that she claims she co-owns, but which her husband had fraudulently transferred co-ownership to his sister.

She alleged she had been physically and mentally abused by her husband and in-laws. Her counsel told the court that CCTV cameras had been installed in the flat as well as outside her bedroom at another flat in Burtolla, her matrimonial house.

The petitioner had alleged that she and her husband had bought the Tollygunge studio apartment and that she believed it was in both their names. She said she later found out that her husband had fraudulently transferred the property to his sister's name.

CCTV involves permission of a person, can't breach privacy: HC

► Continued from P 1

The petitioner alleged that her in-laws had deceived her both in terms of "property and matrimonial rights".

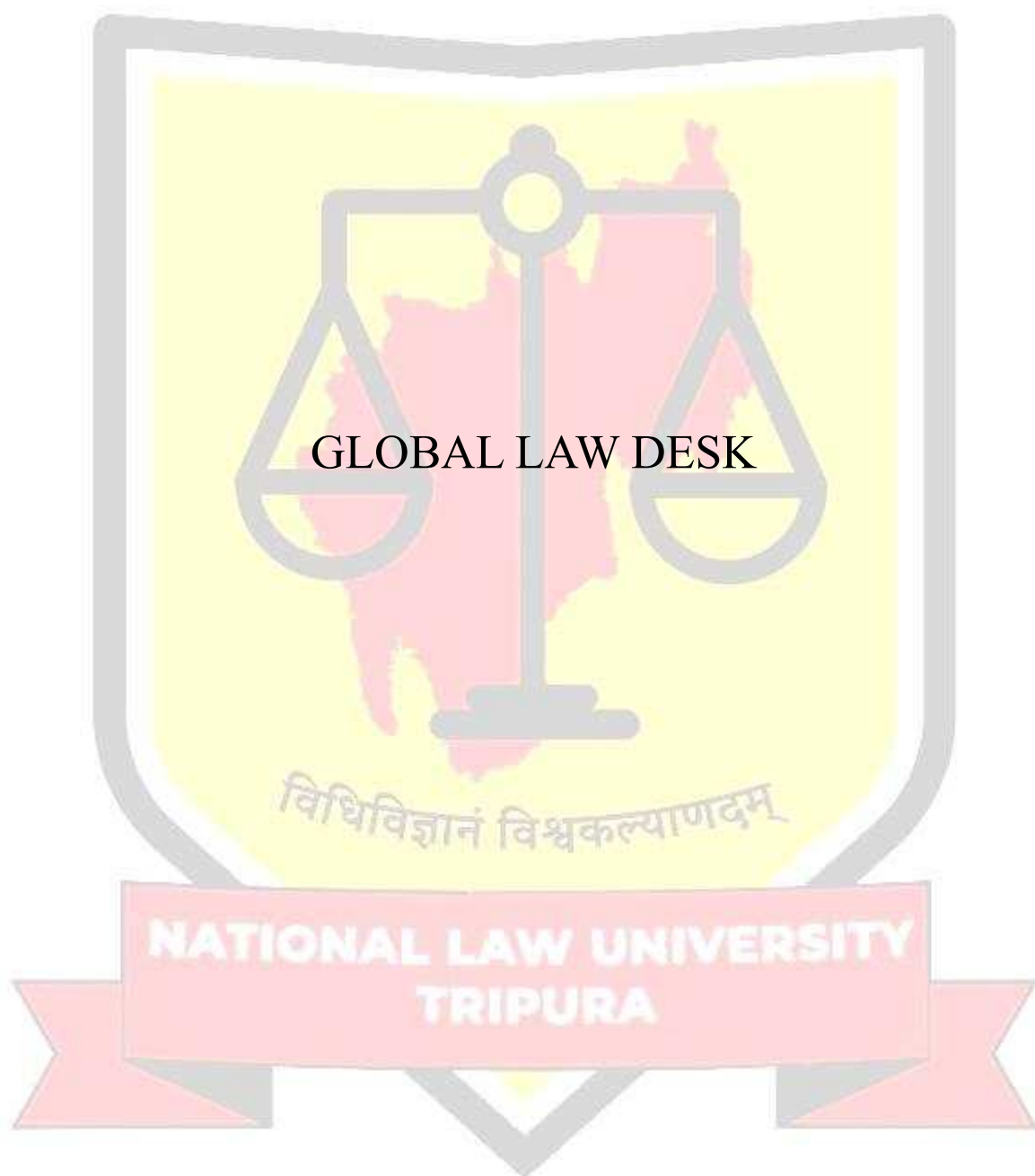
Counsel for the husband repeatedly pointed out that the sister was in possession of the property, and could therefore rightfully install the cameras. But the Tollygunge cops filed a report, saying the petitioner was in possession.

"You have your property; I am not interfering with it," Justice Ghosh said.

"CCTV involves the permission of the person. You cannot breach the privacy.... Tollygunge police station report reflects that she is in possession (of the Tollygunge property)."

Justice Ghosh, however, clarified that the order was only for the Tollygunge flat, not the Burtolla house, since the petitioner lives mostly at the former property.

Block EM, Sector-V, Salt Lake City Kolkata 700066 and Darpan Trusts Pvt. Ltd., Telanipara, P.O. Sahadanga, Opp. Bank of Baroda Dt. Jalpaiguri, Siliguri-734 018 and published at 106/7A, RNI Regn No. WBENG/1995/10032
Air Surcharge for Manipal Rs.2/-, Tripura Rs.1/- and Andaman & Nicobar Rs.5



19 March, 2025

P10

Fearing deportation, a Cornell university grad student files a pre-emptive lawsuit

An international graduate student at Cornell University filed a lawsuit Saturday to block enforcement of two White House executive orders that, he fears, could result in his deportation from the US for pro-Palestinian activism.

The suit was filed by Modou Taal, a doctoral student in African studies at Cornell and an outspoken critic of US policy in West Asia. It cites a threat made by Trump after the arrest and detention of Mahmoud Khalil, a graduate of Columbia University and legal US resident whom the administration is trying to deport. "This is the first arrest of

many to come," Trump wrote on Truth Social after federal agents picked up Khalil at his New York City apartment March 8. Trump called pro-Palestinian activists like Khalil "terrorist sympathizers" and said "we will find, apprehend and deport" them, "never to return again."

Another Columbia student, Leqaa Kordia, was detained for overstaying her visa.

The lawsuit asks for national injunctions to block two executive orders issued in Feb. Both are aimed at the removal or arrest of pro-Palestinian activists or anyone else whom the administration deems guilty of anti-semitic

speech. A hearing could be held Monday, according to Taal's lawyer, Eric Lee. Two other plaintiffs—a professor and another student at Cornell both American citizens—joined Taal in the suit, arguing that the orders chill their rights to free speech.

Taal, 31, is a citizen of both Gambia and the UK. He has become known on the Cornell campus in Ithaca, New York, as a leading pro-Palestinian voice. In the lawsuit, Taal argues his activism has made him a target of the Trump administration's plans, based partly on a list that was circulated by a pro-Zionist group, Betar. NYT

January 28, 2021

P-1

Resolve disputes as per int'l laws: India, Indonesia on South China Sea conflicts

TIMES NEWS NETWORK

New Delhi: Amid tensions in South China Sea, PM Narendra Modi and visiting Indonesian President Prabowo Subianto reaffirmed the importance of maintaining and promoting peace, stability, maritime safety and security, freedom of navigation and overflight in the region, and other lawful uses of the seas, including unimpeded lawful maritime commerce.

In a joint statement issued a day after their bilateral meeting, they also sought peaceful resolutions of disputes, in



PM Modi greets Indonesia Prez and Republic Day chief guest Prabowo Subianto at Kartavya Path

accordance with universally recognised principles of international law, including the

1982 United Nations Convention on the Law of the Sea (UNCLOS).

"In this regard, they supported the full and effective implementation of the Declaration on the Conduct of the Parties in the South China Sea (DOC) in its entirety and look forward to the early conclusion of an effective and substantive Code of Conduct in the South China Sea (COC) that is in accordance with international law, including the 1982 UNCLOS," said the joint statement.

► Def modernisation, P 10

P-10

India to support Indonesia's defence modernisation plans, share expertise

► Continued from P 1

Both leaders agreed to continue their combined efforts for safety of navigation in the Straits of Malacca and Singapore (SOMS) through existing mechanisms to enable unhindered economic growth of the region," it added.

The bilateral meeting on Saturday saw the heads of two states seeking stronger defence cooperation and the joint statement welcomed the ratification of the agreement concerning Cooperation in the field of Defence (DCA), expressing confidence that this would lead to further deepening of



Prime Minister Narendra Modi met President of Indonesia, Prabowo Subianto, at Hyderabad House in New Delhi on Saturday

defence ties.

They also agreed to soon have a meeting of the defence ministers to discuss implementation of the DCA.

India agreed to support the ongoing defence modernisation programmes of Indonesia through experience and expertise sharing.

Both of them also strongly condemned terrorism in all its forms and manifestations and reaffirmed their commitment to enhancing cooperation in combating this threat through bilateral and multilateral initiatives.

They underscored the importance of strengthening global efforts to combat terrorism, including eliminating terror financing and preventing the recruitment of terrorists, without any double standards.

"Both leaders emphasized the need for all countries to work collectively to deny safe havens and support networks to terrorist groups, in accordance with international obligations and commitments," said the statement, calling upon all countries to take concerted action against UN-proscribed terrorist organizations and their affiliates.

"Recognising the evolving nature of security challenges, the two leaders agreed to work together in preventing the spread of online radicalisation and strengthening mechanisms to counter extremist ideologies," it said.

9 March, 2025

US SC judge rejects 26/11 accused's plea against extradition

Chidanand Rajghatta | TNN

Washington: New Delhi is close to having 26/11 Mumbai attack accused Tahawwur Rana brought to justice after US Supreme Court



Associate Justice Elena Kagan rejected his emergency application on Thursday to stay his extradition to India.

Rana's attorneys immediately bumped up the application to Chief Justice John Roberts, likely the last court of appeal, with little possibility of reprieve after President Trump personally assured his extradition during PM Modi's visit last month and the State Department signed off on handing him over to Indian authorities.

On Thursday, Rana cited possible religious persecution and torture in India on account of his Muslim faith, besides 'serious medical condition', to forestall the extradition, which he argued would be a 'de facto death sentence'.

► 'India working closely with US', P 6

India working closely with US for Rana extradition

►Continued from P 1

Randhir Jaiswal, spokesperson of external affairs ministry, said on Friday, "You would have seen US President Donald Trump's comments regarding the extradition of Tahaw-

wur Rana. The joint statement also reflects this sentiment. We are working closely with the US govt to complete the necessary formalities to allow for his extradition to India."

US Supreme Court Associate Justice Elena Kagan,

who serves as the Circuit Justice for the Ninth Circuit which had earlier upheld Rana's extradition, rejected his "emergency application for stay pending litigation of petition for writ of habeas corpus".

"Application...denied by

Justice Kagan," the US SC website said, without elaborating. Rana has fought the extradition for almost four years, purportedly with help from the Pakistani establishment, which is loath to give up one of their own because of the precedent it would set.

THE TIMES OF INDIA
27 NOV, 2024

How Cos Can Bridge Skills Gaps To Propel Growth In The Future

By M Muneer

growing gap between workforce capabilities and workplace needs.

Skills Gaps: A primary issue is identifying and assessing skills gaps within the workforce. The fast pace of technological change means that skills quickly become outdated, creating vulnerabilities in business. Many organisations, however, lack the systems to address these issues effectively.

Solution: Implement standardised skills measurement tools by leveraging AI

and machine learning. This data-driven approach will help HR pinpoint skills gaps with precision and align training initiatives to support strategic goals.

Skill-Building: Tracking skill development over time presents another significant challenge. Despite substantial investments in training, few companies track skill progress effectively. Research indicates that only about 30% of corporate learning initiatives yield successful outcomes, reflecting a lack

Adopt a skills-based approach to talent management, focusing on employees' skills rather than traditional job titles

of continuity in skill-building efforts. Without comprehensive tracking, it's challenging to gauge the true impact of training on business performance.

Solution: Invest in robust skills-tracking tools to mo-

nitor employee progress and the success of training programmes. This data can be used to fine-tune learning initiatives and ensure alignment with both employee aspirations and organisational objectives.

Standardised Language: Without a shared framework for defining skills, HR, employees, and management mostly struggle to communicate talent needs effectively. This talent gap leads to inconsistencies in talent deployment, development, and

succession planning. A Deloitte survey found that only 10% of CHROs have a well-defined skills taxonomy. Without a common language, organisations face difficulties identifying skill gaps and aligning talent plans with business objectives.

Solution: Develop a standardised skills framework to bridge communication gaps. A shared language around skills will improve decision-making, facilitate more productive discussions, and enable stronger alignment between talent management

plans and business goals.

Right Talent: Aligning skills with job roles is anticipated to become increasingly complex as the workplace undergoes transformation. According to the World Economic Forum, 83 million jobs may be displaced by 2027, while over 70 million new roles are likely to emerge. Evolution requires organisations to be agile in identifying suitable talent for evolving roles, yet many struggle to match skills with new demands. A mismatch between skills and job roles

will negatively impact job satisfaction, productivity, and retention. As new roles emerge, companies must ensure they have the right talent to drive innovation and maintain competitiveness.

Solution: Adopt a skills-based approach to talent management, focusing on employees' skills rather than traditional job titles. This enables more effective role-matching, which will enhance job satisfaction.

(The writer is co-founder, Medici Institute for Innovation)

20 March, 2025

P18

In rare rebuke, US chief justice calls Trump remarks on impeaching judges improper

Prez Lashed Out At Judge Who Tried To Pause Migrant Deportations, Calling Him A 'Lunatic, Troublemaker, Agitator'

Prez deploys PIO lawyer to defend deportations

Chidanand Rajghatta | TNN

Just hours after President Donald Trump called for the impeachment of a judge who sought to pause the removal of more than 200 migrants to El Salvador, chief justice John G Roberts Jr issued a rare public statement. "For more than two centuries," the chief justice said, "it has been established that impeachment is not an appropriate response to disagreement concerning a judicial decision. The normal appellate review process exists for that purpose."

President Trump, in a post on Truth Social about the judge, said, "This Radical Left Lu-



Judge Boasberg

natic of a Judge, a troublemaker and agitator who was sadly appointed by Barack Hussein Obama, was not elected President. He didn't WIN the popular VOTE (by a lot!), he didn't WIN ALL SEVEN SWING STATES, he didn't WIN 2,750 to 525 Counties, HE DIDN'T WIN ANYTHING! I WON FOR MANY REASONS, IN AN OVERWHELMING MANDATE. BUT FIGHTING ILLEGAL IMMIGRATION MAY HAVE BEEN THE NUMBER ONE REASON FOR THIS HISTORIC VICTORY. I'm just doing what the VOTERS wanted me to do. This judge, like many of the Crooked Judges I am forced to appear before, should be IMPEACHED!!! WE DON'T WANT VI-



The chief justice rarely issues public statements. The exchange was reminiscent of one in 2018, when CJ John Roberts had defended the independence and integrity of the federal judiciary after Trump called a judge who had ruled against his administration's asylum policy 'an Obama judge'.

CIIOUS, VIOLENT, AND DEMONSTRATED CRIMINALS, MANY OF THEM DERANGED MURDERERS, IN OUR COUNTRY MAKE AMERICA GREAT AGAIN!!!

The exchange was reminiscent of one in 2018, when chief justice Roberts defended the independence and integrity of the federal judiciary after Trump called a judge who had ruled against his administration's asylum policy "an Obama judge." The chief justice said that was a profound misunderstanding of the judicial role. "We do not have Obama judges or Trump judges, Bush judges or Clinton judges," he said in a statement then. "What we have is an extraordinary group of dedicated judges doing their level best to do equal right to those appearing before them. That independent judiciary is something we should all be thankful for." NYT

Washington: The White House has deployed a lawyer of Indian-origin to defend President Donald Trump for invoking the Alien Enemies Act of 1798 to surreptitiously deport illegal immigrants while defying a federal judge's orders to stop the flights.

Abhishek Kambli, who serves as deputy associate attorney general at the US department of justice (DOJ), came under fire from judge James Boasberg Monday after the administration employed verbal calisthenics to argue it was in compliance with his ruling not to deport immigrants Trump characterised as criminals and terrorists, while gloating privately it is flouting his orders because the President's executive powers are unconstrained by the lower judiciary.

Amid calls from MAGA hardliners for his impeachment and prosecution, Boasberg told Kambli to certify in writing — under seal, if necessary — that no immigrant had been deported after Trump officials defied his orders to turn around flights that had already taken off Saturday.

On Tuesday, MAGA activists alleged the judge is blocking the flights "without disclosing the fact that his daughter works for an organisation called 'Partners For Justice' that gives criminal illegal aliens and gang mem-

bers legal advice". Kambli and other administration officials made the argument, which the judge suggested was ingenuous, that the flights had already taken off and were over international waters when he issued his orders and could not be turned back. At one point, the judge said, "You're saying the president has extra powers over a plane once it leaves the United States?... I think my equitable powers are pretty clear that they don't end at the water's edge or air space edge." Kambli also irked the judge by saying he was authorised to provide only limited information because of "national security concerns".

Asked how many migrant flights had already left the US under the Alien Enemies Act, Kambli said, "Those are operational issues and I am not at liberty to provide information."

Kambli has come to the limelight in Washington DC with a stellar legal record in representing Trump's MAGA causes at the state level, from blocking the Biden administration's \$475 billion in student loan waiver to securing an injunction against the 2024 rule expanding "sex" to include gender identity.

Drafted into the justice department in Trump 2.0, this is the most high-profile case he has handled, one marked by bitter partisan divide which is also testing the limits of judicial oversight over a rampant executive.

THE TIMES OF INDIA
18 Dec, 2024

How to bring your ideas to life in traditional workplace

By Abhijit Bhaduri

Don't believe the myth that creativity can't thrive in a traditional workplace. Even with those old-school rules and rigid roles, you can still bring your ideas to life. Here's how:



Build Connections

Get to know your workplace culture inside and out. See how things get done, what behaviours get rewarded, and how peo-

ple communicate. Make sure your ideas match the company's goals and values, so they're more likely to be accepted.

➤ Build strong relationships with people across all departments and levels. This helps you see different perspectives and find allies who will support your ideas.

➤ Attend industry events, workshops, and even cross-departmental meetings to connect with like-minded individuals.

➤ Find a mentor who understands both creativity and how the company works. They

can guide you, help you overcome challenges, and speak up for your ideas to higher-ups.

➤ Every organisation has individuals, even in unexpected places, who are open to new ideas. Seek them out.

Show How Your Ideas Benefit The Company

When you have a brilliant idea, it's tempting to shout it from the rooftops. But sometimes, the best approach is to let others champion your idea and help put it into action. This way, you'll have a bigger impact.



➤ Provide concrete examples of how an idea saves time, reduces costs, increases efficiency, or improves customer satisfaction.

➤ Communicate clearly and persuasively, showing how your ideas solve problems and help the company reach its goals. Use data to back up your ideas and be ready to address any concerns.

➤ Don't try to change everything overnight. Start with small projects that show the value of your ideas. Success with these smaller initiatives can build your credibility and

open doors for bigger changes.

➤ Align your ideas with the company's strategic goals and use the terminology familiar to leadership.

Work With Processes

Instead of trying to reinvent the wheel, find ways to use the company's current systems and processes to introduce your new ideas. This might mean using established channels for proposing new projects or aligning your ideas with the company's priorities.

➤ Encourage teamwork by involving colleagues in pro-

ject development. Different perspectives can boost creativity and lead to stronger solutions. Plus, working together creates a sense of ownership and shared purpose.

➤ Acknowledge and celebrate every step forward, no matter how small. This keeps motivation high.

➤ Learn from rejection. Use the feedback to make your idea even more relevant to your organisation.

(The writer is former GM of global learning & development for Microsoft)

PH

2 Dec 2024

P-6

Major Canadian news outlets sue OpenAI in new copyright case

Matina Stevis-Gridneff

Reuters

Toronto: A coalition of Canada's biggest news organisations is suing OpenAI, maker of the artificial intelligence chatbot ChatGPT, accusing the company of illegally using their content in the first case of its kind in the country.

Five of the country's major news companies, including the publishers of its top newspapers, newswires and the national broadcaster, filed the joint suit in the Ontario Superior Court of Justice on Friday morning.

While this is the first such lawsuit in Canada, it is similar to a suit brought against



The Canadian outlets are asking for \$14,700 per article that they claim was illegally scraped and used to train ChatGPT

OpenAI and Microsoft in the United States in 2023 by The New York Times, claiming copyright infringement of news content related to AI systems. The two companies have denied the suit's claims.

In response to the Canadian lawsuit, a spokesperson for

OpenAI said, "We have not yet had the opportunity to review the allegations," but added "our models are trained on publicly available data, grounded in fair use and related international copyright principles that are fair for creators and support innovation."

The Canadian outlets, which include the Globe and Mail, are seeking what could add up to billions of dollars in damages. They are asking for 20,000 Canadian dollars, or \$14,700, per article they claim was illegally scraped and used to train ChatGPT. They are also seeking a share of the profits made by what they claim is OpenAI's misuse of the

ir content, as well as for the company to stop such practices in the future. "OpenAI regularly breaches copyright and online terms of use by scraping large swathes of content from Canadian media to help develop its products, such as ChatGPT," the news organisations said.

"OpenAI's statements that it is somehow fair or in the public interest for them to use other companies' intellectual property for their own commercial gain is wrong," they added. "Journalism is in the public interest. OpenAI using other companies' journalism for their own commercial gain is not. It's illegal." NYT

16 Jan 2025

P-1

Not a joke anymore: US lawmakers greenlight Trump bid for Greenland

Chidanand Rajghatta | TNN

Washington: Republican lawmakers loyal to President-elect Donald Trump are legislatively green-lighting his efforts to acquire Greenland, transporting the proposal from what began as a "joke" to serious bid that analysts warn will sow chaos across the world.

Ten Republican legislators on Monday put forth a bill that would authorise Trump to enter into negotiations with Denmark, which currently controls Greenland, over purchasing the largest island in the world from the moment he takes office on Jan 20, providing legislative cover to his bid.

"Not later than 5 calendar days after reaching an agreement with the Kingdom of Denmark relating to the acquisition of Greenland by the United States, the President shall transmit to the appropriate congressional committees the agreement, including all related materials and annexes," the proposed bill said.

Trump will need legislative approval for any such purchase since US Congress controls the purse strings, and funds to acquire Greenland will first have to be appropriated by the House of Representatives and approved in the Senate.

The bill, titled 'Make Greenland Great Again Act', has



GREENLAND TO TRUMP: WE'RE NOT FOR SALE BUT LET'S TALK BIZ

Greenland's PM Mute Egede said he will seek closer ties with the US, highlighting the Arctic island's push for independence amid renewed interest from Trump. "We have the doors open in relation to mining... The reality is we are going to work with the US — yesterday, today and tomorrow. We have to trade with the US," he said on Monday. But he was firm: Greenlanders did not want to become Americans. "We have to be very smart on how we act," he said. "Power struggles between the superpowers are rising and are now knocking on our door"

been moved by Tennessee congressman Andy Ogles and backed by 10 other Republican lawmakers. Very few lawmakers have spoken against the proposal, initially considered an wacko idea, although some MAGA radicals have said it is a distraction to the more urgent task of making life more affordable for workaday Americans.

But Trump surrogates are suggesting that acquiring Greenland will be a quick and painless process and will buoy the US economy instantly. Trump has also indicated that Greenland is ripe for picking, sending his son Don Jr for a 're-cc'e' and thanking Greenlanders for welcoming him warmly. His supporters are also po-

inting to statements from Denmark seeking talks with US to suggest it is ready for a deal.

Acquiring Greenland, which is about two-third the size of India, would increase the area of continental USA by 20%. MAGA proponents of the idea have joked that its population of 56,000 could be overrun by six policemen. Some US analysts are warning that the idea is not funny. "Trump's remarks are reckless stupidity beyond belief," NYT columnist Thomas Friedman warned on Tuesday in an op-ed, in which he mused about what message it could sent to China's leader Xi Jinping as he eyes Taiwan and to Vladimir Putin who has invaded Ukraine.

NEWS RELATED TO POLITICS & BUSINESS



THE TIMES OF INDIA

26 JAN, 2025

P1

In U'khand UCC, soldiers can write or dictate wills

Among the special provisions of Uniform Civil Code (UCC) that will soon be implemented in Uttarakhand is one that facilitates easier creation and cancellation of wills for armed forces personnel. The provision for a 'privilege will' allows soldiers, IAF personnel or sailors on active duty to create wills under simple and flexible rules. These can be handwritten, orally dictated or presented verbatim before witnesses. The goal is to enable individuals in high-risk situations to document property-related wishes effectively.

Spl court orders FIR against Sebi ex-chief Buch, 5 others

Finds Prima Facie Evidence Of Lapses, Collusion

Mumbai: A special court here has directed the Anti-Corruption Bureau (ACB) to register an FIR against former Sebi chairperson **Madhabi Puri Buch** and five other officials in connection with alleged stock market fraud and regulatory violations.

"There is prima facie evidence of regulatory lapses and collusion, requiring a fair and impartial probe," special ACB court judge Shashikant Eknathrao Bangar said in the order passed on Saturday.

The court order also noted that the allegations disclose a cognisable offence, necessitating an investigation.

The inaction by law en-



forcement (agencies) and the Securities and Exchange Board of India (Sebi) necessitates judicial intervention under the provisions of the CrPC, it added.

Apart from Buch, the other officials against whom the court has ordered registration of the FIR are BSE's managing director and chief executive officer Sundararaman Ramamurthy, its then chairman and public interest director Pra-

mod Agarwal and Sebi's three whole time members Ashwani Bhatia, Ananth Narayan G and Kamlesh Chandra Varshney. The court said it will monitor the probe, and sought a status report within 30 days.

The Sebi said it "would be initiating appropriate legal steps to challenge this order and remains committed to en-

STOCK MKT 'FRAUD'

suring due regulatory compliance in all matters".

The complainant, Sapan Shrivastava (47), who is a media reporter, had sought an investigation into the alleged offences committed by the accused, involving largescale financial fraud, regulatory violations and corruption.

The allegations pertain to the fraudulent listing of a company on the stock exchange with the active connivance of

regulatory authorities, particularly the Sebi, without compliance under the Sebi Act, 1992 and rules and regulations thereunder. The complainant claimed that the Sebi officials failed in their statutory duty, facilitated market manipulation, and enabled corporate fraud by allowing the listing of a company that did not meet the prescribed norms.

Despite approaching the police station and regulatory bodies concerned on multiple occasions, no action was taken by them, the complainant said.

The court, after considering the material on record, directed the ACB Worli, Mumbai Region, to register an FIR under relevant provisions of the IPC, Prevention of Corruption Act, Sebi Act, and other applicable laws. **PH**

► Habitual litigant: Sebi, P 10

NATION

THE TIMES OF INDIA, KOLKATA
MONDAY, MARCH 3, 2025

Applicant a habitual litigant, says Sebi

► Continued from P 1

Sebi in a statement said: "A Miscellaneous Application was filed before the ACB Court, Mumbai against the former Chairperson of SEBI, three current Whole Time Members of SEBI and two officials of the BSE."

The application sought directions for police to register an FIR and investigate into the alleged irregularities in granting listing permission to a company on Bombay Stock Exchange in 1994, without complying with the provisions of the SEBI Act,

1992, SEBI (ICDR) Regulations, 2018, and the SEBI (LODR) Regulations, 2015, the statement said.

"Even though these officials were not holding their respective positions at the relevant point of time, the court allowed the application without issuing any notice or granting any opportunity to SEBI to place the facts on record," it said.

"The applicant is known to be a frivolous and habitual litigant, with previous applications being dismissed by the court, with imposition of costs in some cases," the sta-

tement said. Sebi said it would be initiating appropriate legal steps to challenge this order and remains committed to ensuring due regulatory compliance in all matters.

India's first woman Sebi chief Madhabi Puri Buch, who faced conflict of interest allegations by the US-based short-seller Hindenburg and political heat thereafter, completed her three-year tenure on Friday.

Although, Buch in her tenure made significant strides in areas like faster settlements in equities, enhanced FPI disclosures and increa-

sing mutual fund penetration through Rs 250 SIP, the last year of her tenure saw heightened controversy, when she battled a series of allegations by Hindenburg Research and the Congress party, while simultaneously dealing with in-house employee protests against "toxic work culture".

In August last year, Buch faced pressure to resign after the Hindenburg accused her of having conflict of interest that prevented a thorough examination of manipulation and fraud claims at the Adani Group. PTI

31 JAN, 2025

PM

Demat accounts have surged over 8x to 177.6mn in FY25 (so far) compared to 22mn in FY14, indicating increased use of capital market as a channel of financialisation of savings

TIMES B

THE TIMES OF INDIA, KCC

Number of Demat accounts (in lakh)

220

FY14

231

FY15

249

FY16

274

FY17

314

FY18

IBBI chief: Cos should look at voluntary insolvency process

Says Cases With ₹11L Cr Debt Settled Even Before Admission

New Delhi: IBBI chief Ravi Mital on Thursday said companies in India have not learnt how to use the insolvency law and pitched for efforts to ensure that more companies opt for the voluntary resolution process to increase productivity.

The Insolvency and Bankruptcy Code (IBC), which provides for a market-linked and time-bound resolution of stressed assets, came into force in 2016.

So far, most of the insolvency resolution processes have been initiated by creditors while in comparison voluntary applications have been less.

Speaking at a conference organised by industry body Assocham and accounting body CPA Australia in the national capital, Mital said creditors have recovered around Rs 3.6 lakh crore under the IBC in the last eight years.

The Insolvency and Bankruptcy Board of India (IBBI) is a key institution in



"I think companies in India have not learnt on how to use insolvency to make (them) more productive... if Assocham wants, IBBI is willing to collaborate to have a discussion with them to see the problems they are facing," says IBBI chief Ravi Mital

implementing the IBC.

Emphasising that creditor-debtor relationship has changed with the implementation of the Code, Mital said cases involving debts worth Rs 11 lakh crore have been settled even before getting admitted for the insolvency resolution process.

"It is preferable that companies themselves come into insolvency... that is where we make maximum value, that is where value destruction is the least...", Mital said.

In India, insolvency cases are initiated by creditors against companies.

"In the developed world, most of the applications under insolvency are voluntary applications. In the US, we call it Chapter 11," Mital said.

He also said it means in the US and other developed countries, insolvency is not an adversarial process. In India, it is creditors which file for insolvency resolution process, then it becomes an adversarial process.

"I think companies in India have not learnt on how to use insolvency to make (them) more productive... if Assocham wants, IBBI is willing to collaborate to have a discussion with them to see the problems they are facing."

"Why are companies not coming forward? Why are we not getting Section 10 applications? There must be a reason... we are willing to talk to companies... to see if there are problems, roadblocks, we will try to resolve that," Mital said. Section 10 of the IBC pertains to voluntary insolvency resolution process. AGENCIES

The Times of India

January 30, 2025

P-3

ASER: Govt school enrolment down to 67% in rural India

46% Of Class 8 Kids Proficient In Basic Arithmetic

Manash Gohain
@timesofindia.com

New Delhi: Govt school enrolment for children aged 6-14 has declined sharply from 72.9% in 2022 to 66.8% in 2024, per the 'Annual Status of Education Report (Rural) 2024' released on Tuesday.

While overall enrolment for this age group remains high at 98.1%, the drop in govt school share signals a post-pandemic shift toward private institutions. During Covid, economic pressures pushed families to opt for govt schools, temporarily boosting enrolment, but the trend has now reverted to pre-pandemic levels of 66% to 67%.

The proportion of out-of-school adolescents aged 15-16 has steadily decreased, from

READING SKILLS UP

- 98.1% of 6-14-yr-olds enrolled in an edu institution
- 15-16-yr-olds not enrolled at 7.5% in 2022, rises to 7.9% in 2024. Proportion of girls not enrolled up from 7.9% in 2022 to 8.1% in 2024
- Govt Class 3 kids reading Class 2 text improves from 16.3% in 2022 to 23.4% in 2024
- Govt Class 3 pupils solving subtraction increases from 20.2% in 2022 to 27.6% in 2024

13.1% in 2018 to 7.5% in 2024. However, learning gaps persist in higher grades. Among Class 8 students, only "45.8% are able to perform basic arithmetic in 2024", unchanged in recent years.

Private school students have also shown no significant progress since 2022, highlighting systemic challenges in improving learning outcomes. Experts stress that state govts must prioritise ba-

84% Bengal rural teens use smartphones

Over 84% of teenagers (14-16 years) in rural Bengal have used smartphones in the past two years, the Annual Status of Education Report (ASER) 2024 has revealed. In terms of availability of smartphones, boys in Bengal are more privileged than girls, but the latter know how to use a smartphone better, the report says. **P5**

sic maths performance in higher grades.

Conducted by Pratham, the survey covered 605 rural districts, 17,997 villages and almost 6.5 lakh children. In terms of digital awareness and smartphone usage, over 90% of households with young people own smartphones, and over 80% of children aged 14-16 know how to use them.

► Boys outshine girls, P 5

28 May, 2025

P-1

12 days on, police seal storeroom at judge Varma's house

Site Videographed;
No Leads In CCTVs
On Illegal Entry

New Delhi: Delhi Police Wednesday sealed the storeroom at Justice Yashwant Varma's residence and conducted a videography of the premises, 12 days after a fire broke out there during which it's alleged that a cash pile was gutted.

Police also obtained footage from CCTV cameras in the vicinity as part of the probe into the judge's allegations of foul play. Cops and fire department are conducting separate inquiries to ascertain the cause of the blaze.

Initial analysis of the footage hasn't yielded anything that may point to unauthorised entry into the premises, sources said. They said several cameras aren't pointed towards the gate, and hence did

AT SITE FOR 2 HRS

> A team of cops led by a DCP, along with a camera team, spends 2 hours at Justice Varma's Tughlaq Crescent residence

> Storeroom, which caught fire on March 14 and where a pile of cash was allegedly discovered, videographed before being sealed

> First responders to the fire have been asked to deposit their mobile phones

not record entry and exit.

Sources also said two additional CP rank officers from special branch and special cell have prepared a 30 to 40-page report of call details and internet protocol details of Justice Varma's cellphone to be given to the Supreme Court enquiry commission. **TNN**

► Videographed, P 6

Judge's storeroom videographed before being sealed

► Continued from P 1

On Thursday afternoon, a police team reached judge **Yashwant Varma's** official residence at Tughlak Crescent Road. DCP Devesh Mahla, ACP Virender Jain and a camera team were at the premises for around two hours. The storeroom

was videographed before being sealed.

The fire had broken out in the storeroom around 11.15pm on March 14. According to the fire department's incident report, cops and fire-fighters remained at the spot for around two hours although it was a minor fire.



The inquiry committee also recorded the statement of these first responders along with the statement of the personal security officer present at the time of the fire.

The judge's personal assistant informed the police and fire department about

the incident by making a PCR call.

Upon receiving information about the fire, five policemen from Tughlaq Road police station inspected the storeroom and made videos on their mobile phones. A special CP rank officer has asked the first responders to deposit their mobile phones.

25 NOV, 2024

P4

India's vocational edu gap: World Bank bats for localised skill hubs

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New Delhi: Highlighting a pressing concern that nearly 70% of students who reach class 12 do not advance to higher education, often entering the workforce or becoming part of the NEET (Not in Education, Employment, or Training) category, World Bank has strongly recommended scaling up "skill hubs" to 20-30% of secondary schools over the next three-five years.

The 'Jobs at Your Doorstep: A Jobs Diagnostic for Young People in Six States' report has highlighted employment challenges in six states — HP, Kerala, MP, Maharashtra, Odisha and Rajasthan — and underlined that sectors such as manufacturing and services offer substantial job opportunities.

It identified critical challenges impeding effective vocational education in India, including a lack of experiential learning opportunities, insufficient infrastructure, outdated teaching methods, and negative perceptions of vocational training among students and parents. Further, there is a significant mismatch between school-based vocational training and the needs of local and regional industries.

This misalignment exacerbates unemployment and underemployment among school graduates, despite India's substantial youth



The report revealed that India has only one ITI for every 20 secondary school

population.

The report underscores significant gaps in infrastructure, revealing that India currently has only one Industrial Training Institute (ITI) for every 20 secondary school and one polytechnic for every 100 secondary school.

Despite the ambitious targets of the National Education Policy (NEP) 2020, which envisions 100% integration of vocational education in secondary schools by 2030, only 8% of schools have adopted skill-based programmes under the Samagra Shiksha initiative.

To address this shortfall, World Bank proposes a rapid expansion of localised skill hubs to meet the demands of regional economies while aligning vocational offerings with industry needs.

Reacting to the report, Union education minister Dharmendra Pradhan emphasised need to redefine "employment" in context of economic empowerment.

THE TIMES OF INDIA
March 9, 2025

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Delhi unsafe for me, prefer jail to bail, Michel tells judge

Vineet.Upadhyay@timesofindia.com

New Delhi: Christian Michel James, one of the alleged middlemen in the AgustaWestland VVIP chopper case who was granted bail by Delhi High Court earlier this week, appeared before a city court on Friday and submitted that he could not accept it and wanted to go back to custody as Delhi was unsafe for him.



Saying that because of "security risks", he would rather finish his sentence and leave India, he submitted before the court of special judge Sanjeev Aggarwal, "I can't accept the bail. It's unsafe. Every time I step out of Tihar, something happens. The problem I am having is with police. I'd rather talk to you in private."

When the judge asked about his well-being, James said Delhi was just a larger prison for him and mentioned something happened in AIIMS that he would talk about in private.

► 'Can't you find a safe house?', P 6

SUNDAY TIMES OF INDIA, KOLKATA
MARCH 9, 2025

Can't you find a safe house in Delhi, judge asks Agusta accused

► Continued from P 1

Christian Michel James was extradited from the UAE in 2018 in Rs 3600-crore money laundering case registered by ED. Later in the day, the court imposed the necessary bail conditions for releasing him. After James asked the court to talk in private, the judge sent the media persons and police outside the courtroom.

Earlier this week, while granting him bail, HC said it was an exceptional situation where the accused was in custody for over 6.2 years but

the trial had not yet commenced due to incomplete investigation.



On Feb 18, Supreme Court had granted him bail in a related CBI case subject to terms and conditions decided by the trial court. In both cases, the court directed James to furnish a personal bond and surety of Rs 5 lakh each, at which James said, "How can a person who has been in jail for six years produce local sureties?"

When James said that he did not want to be released on bail, the judge said, "Can't you find a safe house in Delhi?" James was extradited

from Dubai in Dec 2018 and was subsequently arrested by CBI and ED.

James is among the three alleged middlemen being probed and the other two are Guido Haschke and Carlo Gerosa. CBI, in its chargesheet, claimed an estimated loss of 398.21 million euros (about Rs 2,666 crore) to the exchequer due to the deal that was signed on Feb 8, 2010, for the supply of VVIP choppers worth 556.262 million euros. The ED chargesheet filed against James in June 2016 alleged he received 30 million euros (about Rs 225 crore) from Agusta Westland.

'Marriage equality cannot be won solely through courts'

Being a queer lawyer means straddling personal and professional challenges. **Rohin Bhatt** — who represented two couples in the marriage equality case in the Supreme Court last year — reflects on this duality in his debut book 'The Urban Elite versus Union of India'. In an interview with **Sharmila Ganesan Ram**, the 26-year-old lawyer talks about the need to recalibrate the LGBTQIA+ movement

■ **As a lawyer representing two couples in the marriage equality case, what was the lead up to the judgment like?**

The wait for the judgment had been long and hard. It felt as if we were holding our breaths. One was obviously anxious and worried about the outcome, for it was certain that the implications of the judgment would be far-reaching not just for the queer community, but also for others who do not have social sanction, like inter-caste and inter-faith lovers, since the Special Marriage Act was being challenged. The judgment was underwhelming, yet consistent with the recent trends in the Supreme Court and the judiciary where the courts have failed to act as an anti-majoritarian force. However, the loss was a much more personal one because I knew

that it was not just 'a' case, but one that would deeply affect me and my life as well.

■ **Is that why the narrative braids your personal experiences with the legal?**

I think often when one talks about the law, one does it in a neutral fashion, as lofty ideals or formulaic principles that have to be applied to a given set of facts. But the law is hardly that — heart, emotions and psyche play a big role in how cases are decided. With the marriage equality litigation, one, and one's community, were unwillingly, the subject of the law. The emotions during the hearing were frenzied and

all-consuming even after the judgment. This book was not only a way of channeling those emotions as a therapeutic exercise, but also talking about the queer rights movement in India.

■ **The book attributes a chunk of the progress made by queer rights activism in India to the work done by AIDS Bhedbhav Virodhi Andolan (ABVA) in the 1990s...**

ABVA presents an early model of a social movement that was inclusive and cohesive. It had no funding, no office. It had members from 24 to 55-year-olds who ranged from residents of some of Delhi's poshest colonies to pavement



dwellers. Their activism was one of the main forces behind making sure that the AIDS (Prevention) Bill, 1989 was withdrawn. The bill allowed for the isolation, forcible testing, questioning of people who were living with HIV and lacked any provision in place which ensured the protection of confidentiality, or the protection of due process of law. Their reports tell us about the struggle that goes in building a movement. Post 2018 and Navtej, I think the queer movement has become much more judicialised. Winning cases is easier than winning hearts and minds. But also because we were, prior to the 2024 elections, political orphans. Few political parties openly supported queer rights. Thankfully, that has changed post-2018.

■ **"Queer liberation will not and cannot be won solely through litigation," you write. What makes you put on your black gown and show up in court daily?**

The belief that the Constitution and the courts can work for the proverbial 'butcher, baker and the candlestick maker'. I don't think it is these big-ticket cases that make the practice of the law meaningful but the smaller ones, which often don't make it to the front

page of the newspapers, do. Getting a protection order from a violent natal family is one such example. However, to say that we will achieve equality through the courts is perhaps a myopic conclusion. Unless we put in the hard work of movement building, of changing attitudes, of politically lobbying with the State. I do not think queer liberation can be achieved.

■ **Many argue that marriage itself is a faulty institution. Can marriage equality liberate the queer community?**

Marriage, of course, replicates caste and class hierarchies, and queer marriage will do it too. Having said that, there is nuance to it. Our legal system recognises relationships in three ways: blood, marriage and adoption. Now for queer persons to have rights over their assets and their partner, marriage becomes a legitimate legal need. There is a case to be made for radical legal re-imagination of how we look at relationships, such as choosing our families, but that is a long-term project. In the meantime, our rights cannot wait, and marriage is one way of ensuring that partners have rights over natal families which are often sites of violence.

27 Nov, 2024

Lt Gen pitches for 'gender neutrality', performance review of women COs

New Delhi: A top Army officer has called for a comprehensive policy on "gender neutrality" as well as a "pragmatic performance analysis" of Colonel-rank women commanding officers (COs) in the

► 'Lack of empathy', P 4

force, citing several instances of them not measuring up to requisite standards due to their lack of training for command, among other factors, reports Rajat Pandit.

Lt General Rajeev Puri, who completed his tenure as the commander of the China-specific 17 'Brahmastra' Mo-

IN LETTER, FLAGS CONCERNS

► Women officers **neither trained nor groomed** to be COs

► Exhibit **poor interpersonal relations**, lack of empathy for officers & troops

► **Exaggerated tendency to complain to sr commanders** about subordinates rather than exercising their own authority and powers first



► **Over-centralise decision-making**, with a 'my way or highway approach'

► **Handle HR issues with firmer hand** than their male counterparts to be perceived as strong individuals

► Any professional disagreement or **minor argument viewed as insubordination**

untain Strike Corps at Panagarh on Nov 20, stressed the need to ensure gender neutrality in postings and selec-

tion of COs, in a letter addressed to Eastern Command chief Lt Gen R C Tiwari last month.

Women COs' 'lack of empathy' among concerns flagged

► Continued from P 1

The copies of the letter were also sent to the Adjutant General and Military Secretary at the Army HQs.

Women officers have from last year onwards begun to command units in air defence, signals, ordnance, engineers, intelligence, service corps and the like. Women officers are still not allowed in main 'fighting arms' of infantry, armoured corps and mechanised infantry of the over 11 lakh-strong Army. With eight such women COs in his corps, Lt Gen Puri said an analysis was conducted after an "in-house review" based on "demonstrated performance" of the officers. Women COs have been exhibiting poor "interpersonal relations", with an "exaggerated tendency to complain" to senior commanders about their subordinates rather than exercising their own authority first, as well as "lack of empathy" for officers in their units. "Any professional disagreement or minor argument is viewed as insubordination... The lack of empathy may be attributable to a need to overcompensate," he said.

Women COs have also been found to over-centralise decision-making without proper consultations, in a "my way or highway" kind of approach, instead of a "direc-

With women COs not getting much exposure to operational tasks, the 'preferential treatment' has led to 'lack of understanding of hardships & lack of compassion for the troops', Puri said

tive style of command".

Some even have a "misplaced sense of entitlement", Lt Gen Puri said, citing the case of a woman CO who insisted the unit's subedar major (SM) open her vehicle's door whenever she arrived, contrary to orders on the subject. "Occasionally, when the SM would get delayed in doing so, the CO would continue sitting in her vehicle," he said.

Some women COs exhibit "over-ambition", leading to repeated incidents of "unreasonable performance demands" on officers and troops, and consequently, high levels of stress in their units. "An uncontrolled urge to make derogatory statements regarding juniors to usurp credit, rather than encouraging them, is routine," Lt Gen Puri said. On the other end of the spectrum, a few women COs have taken a "low profile, low initiative route" to command, he added.

With SC enforcing permanent commission and command roles for women in the armed forces, who had long opposed it because of what they called "operational, practical and cultural problems", the Army had finally empanelled 108 women officers for

signments through a special selection board after "multiple policy waivers" early last year, as was reported by TOI. These women colonels, however, were not trained for challenging role of COs, unlike their male counterparts who do 'junior command' and other adjunct courses as well as the requisite appointments as young officers.

Apart from lack of command training, he said, "The postings of these officers did not expose them to command roles. Hardly any woman officer has tenanted high-pressure command/staff assignment prior to her role as the CO." With women officers not getting much exposure to operational tasks, "preferential treatment" has led to "lack of understanding of hardships and resultant lack of compassion for the troops involved in these tasks", he said.

"The desire to prove oneself in a field which was supposed to be a male bastion is likely a driver behind the over-ambitiousness in some women COs... In order to be perceived as strong individuals and avoid being judged as soft-hearted, women COs handle HR issues with a firmer hand than their male counterparts," he added.

8 March, 2025

P18

Report: India 2nd in funding for women-led tech startups

Says Investment In Retail, Edtech, Enterprise Fuels Growth

New Delhi: Indian tech startup ecosystem ranks second after the US in terms of all-time funding raised by companies with women founders, with a total capital mobilisation of \$26 billion seen in this space till date, according to Tracxn.

The report by the startup research and analytics firm further revealed that India is home to over 7,000 active women-led startups, accounting for 7.5% of all active startups in the country.

These ventures have collectively raised \$26.4 billion in funding, with 2021 being the highest-funded year at \$6.3 billion.

On a global scale, 2022 saw the highest funding contribution from Indian startups at 15.2%. That year, women-led startups in India raised \$5 billion, compared to \$32.8 billion globally.

In 2024, India ranked third globally in terms of funding raised by startups



Financial backing, mentorship needed to boost unicorn growth

co-led by women, after the US and the UK, accounting for 3.9% of funding raised by women-led startups across the globe.

According to the report, the retail sector took a strong lead based on investments raised by women-led startups, \$ 7.8 billion in all-time funding. Edtech (at \$5.4 billion) and Enterprise Ap-

plications (\$5 billion) followed closely. Sub-sectors such as business-to-consumer e-commerce, internet-first brands, and fashion tech are seeing significant activity, with several startups co-led by women, it said.

Tracxn found that Bengaluru leads in both the number of women-led startups and total funding raised to date, followed by Mumbai and Delhi NCR.

India's women-led unicorn journey has experienced highs and lows, marked by a remarkable surge in 2021 with eight new unicorns and steady growth in 2019 (three), 2020 (four), and 2022 (five). However, 2017, 2023, and 2024 saw no new unicorns, indicating fluctuating momentum.

"Despite these setbacks, women entrepreneurs continue to drive innovation," the report said, adding that strong financial backing, mentorship, and ecosystem support is crucial to foster a

more consistent rise in women-led unicorns.

The highest number of acquisitions of women-led startups was recorded in 2021, with 45 buyouts.

However, this number dropped to 36 in 2022, and further decreased to 25 in 2023.

In 2024, the number of acquisitions was at 16.

In 2024, five women-led startups went public: MobiKwik, Usha Financial, Tunwal, Interiors and More, and LawSikho. As of now, 2025 has not seen any IPOs.

"These startups are not only securing massive funding but also redefining industries, generating employment, and setting new benchmarks for future entrepreneurs," the report noted.

While the startup ecosystem still has a long way to go in bridging the gender funding gap, these trailblazers are proving that women-led startups are driving India's growth story, as per Tracxn. AGENCIES

Gender Privilege Violates Cosmic Justice

Ullhas Pagey

A UN report says only 87 countries have ever had a woman leader. Globally, women make up 23% of cabinet members, only 27% lead ministries, and 36% hold positions in local legislatures. The idea of 'balance' is a fallacy. There is no balance when one side has held power for millennia. We need a reckoning, a radical redistribution of power, a dismantling of the foundation upon which this unequal world has been built.

We must challenge ingrained biases, subtle acts of misogyny, casual sexism that permeates our daily lives. We must hold men accountable for their complicity in a system perpetuating inequality. More than apologies; we must demand action. We must rewrite rules, redefine boundaries, and create a world where women are not just equal but sovereign.

At the core of patriarchal system lies a fundamental misperception of reality, based on gender and distorted understanding of the Divine, often projecting masculine attributes onto the Supreme, while relegating feminine qualities.

Ancient wisdom speaks of the cyclical nature of time, ebb and flow of power. Women are daughters of Lilith, inheritors of Kali, reclaimers of Inanna, Mesopotamian goddess of love and war. Our future is equitably human, and the first step is dismantling unequal status quo. From a spiritual lens, patriarchy is antithetical to principles of oneness, and equality. Upanishads, Bhagwad Gita, and other spiritual texts emphasise cosmic unity of all beings. However, centuries of patriarchal

distortion have overshadowed this wisdom, relegating women to margins of social and spiritual recognition.

Deconstructing patriarchy, therefore, involves reclaiming this reverence and ensuring that women are seen as harbinger of spiritual and social prosperity. Law of karm, a cornerstone of Indic spirituality, asserts that all beings are born into their respective conditions based on their past vasnas or inherent nature, not their gender. To privilege one gender over another is a violation of this cosmic justice.

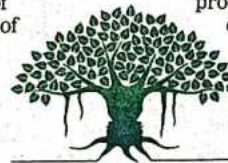
Hence, patriarchy becomes an act of collective ignorance. Overcoming it is, therefore, an act of collective spiritual awakening recognising that women are equal

co-travellers on the path to liberation.

Furthermore, ahimsa, nonviolence, extends much beyond physical harm to include emotional and systemic violence. Practices such as female infanticide, child marriage, and denial of education to girls are gross violations of ahimsa.

In Indian tradition, women are regarded as an embodiment of 'Saraswati', goddess of wisdom. To educate a girl is to honour Saraswati. Cancelling patriarchy demands that we move beyond mere rhetoric and recognise women as torchbearers of wisdom and harmony in society.

The call to cancel patriarchy is not a polite request. It is a demand for complete annihilation of a system that has thrived on degradation and erasure of women. We must reject false dichotomy of victimhood and empowerment, recognising that true power lies in our collective strength and our refusal to be silenced.



THE SPEAKING TREE

#CancelPatriarchy

17 Feb 2025

P-1

Deregulation commission soon to curb govt interference: PM

'Pvt Sector Key Partner In Journey To Developed Nation Status'

TIMES NEWS NETWORK

New Delhi: PM Narendra Modi on Saturday said the Centre would soon set up a deregulation commission to ease the compliance burden on society and minimise govt interference.

"We have ended hundreds of compliances, and now with Jan Vishwas 2.0, we are further reducing compliances. To reduce govt interference in society, a deregulation commission is also being established," said Modi, referring to the raft of measures undertaken in the past 10 years to revamp the complex web of laws and regulations.

Addressing the ET Now Global Business Summit, Modi also said govt sees the private sector as a key partner in the country's journey towards transforming itself



into a developed nation and asserted that fear of business has been transformed into ease of doing business.

He said that tax relief announced in the latest Union Budget would strengthen the middle class and boost economic activity. "To support the middle class, we have increased the limit of 'zero tax' from Rs 7 lakh to Rs 12 lakh in this year's budget. Due to this decision, the entire middle class would be strengthened, economic activity in the country will increase further. This has been made possible because of a proactive and sensitive govt," he said.

The PM said 25 crore Indians have risen out of poverty in just the past 10 years and

will join the 'neo-middle class'.

Modi, who returned from his visit to the US and France after meeting US President Donald Trump, said India now is at the centre of discussions on the global future and is leading them too. "Today, be it major nations or global

THE TIMES GROUP



platforms, confidence in India is stronger than ever," he said. While previous govts undertook reforms because of compulsion, his govt has been implementing them because of conviction, he remarked.

The PM said govt has taken measures to open up several sectors for the private sector, including the space sector, and detailed how startups are contributing to this crucial sector. He also referred to the drone sector, which has been opened up, and said it has paved the way for a wide range of opportunities for the country's youth.

► 'Ready to move...', P 7

THE TIMES OF INDIA

India ready to move forward in the 4th industrial revolution: PM

► Continued from P 1

The PM said govt was taking steps to encourage the private sector in the power distribution sector to drive more efficiency. "In this year's budget we have taken a major reform measure. We have opened the nuclear sector for private participation," the PM said, adding that India missed the first three industrial revolutions but is ready to move forward with the world in the fourth.

Narendra Modi highlighted that India entered in the top 5 largest economies in the world in just the last decade, denoting the speed of development of Viksit Bharat. He said people would soon witness India becoming the third largest economy in the world in a few years. He emphasised that this was the necessary pace for a young country like India and stressed that India was moving ahead with this very speed.

Modi detailed the reforms undertaken in the past 10 years which he said has transformed India's eco-

nomy. He said the banking sector was reformed and now public sector banks have reported record profits and access to credit has been accelerated to cover a wide section of the population, including the poor, with "banking the unbanked, securing the unsecured, funding the unfunded" being the govt's strategy.

He said such initiatives may not have generated headlines, but changed the lives of all across the country. "Swamitva Yojana has resulted in the recognition of rights of properties, enabling people in poor sections of the soci-



ety to access loans, which are now far more easily available because of the growing network of bank branches and banking correspondents. Property worth Rs 1 lakh crore have been unlocked," the PM said, quoting a UN study.

"This is the real story of reform — perform and transform," said the PM, adding that reforms earlier were undertaken only due to compulsion but now they were being taken with conviction. Re-

forms undertaken by his govt have strengthened the pillars of the economy, he said, while mentioning that the private sector is benefiting from GST. Modi referred to the reforms undertaken to revamp the colonial era Indian Penal Code and bring about the Bharatiya Nyay Samhita.

PM Modi also referred to the steps taken to transform backward districts and pointed to the development in the Aspirational Districts. He said govt had worked on the indicators on which these districts were lagging behind.

In his welcome address, Vineet Jain, MD, The Times Group, highlighted the transformative policies undertaken by Modi govt. "The Bharat we see today is a result of a decade of economic decisions and transformative policymaking. This comes from Prime Minister's vision that has positioned our country not just as a participant in global affairs, but as a leader shaping them. Under his stewardship, India has become one of the fastest growing major economies in the world," he said.

P10

Chandrachud: Fine Legal Mind, Celebrity Judge

CJI will demit office leaving a big imprint on law, from Article 370 to Ayodhya. Some rulings, like that on queer marriage, raised questions. But they didn't overshadow his legacy

Arghya Sengupta



Take over. Disappoint. Retire. This is a familiar routine that repeats itself almost as often as every new Chief Justice of India is appointed. A

new man is welcomed with renewed hope, then a number of ordinary judgments are handed down that fail to move the needle, and then it is time for the next one to take over. The incumbent, one or two exceptions aside, nearly always vanishes into oblivion.

With Chief Justice DY Chandrachud, things have always felt a bit different. It was almost as if someone had taken this script and turned it on its head, amped up the moments of intense drama, interspersed it with some upbeat music, introduced some choice twists, which came together in a mighty climax in which the Constitution ultimately emerged victorious. All in Dolby surround sound.

There has never been a CJI as prolific as Chandrachud in terms of judicial output. He has written 92 judgments as CJI, more than his last 4 predecessors put together. To put things in perspective, the last CJI who served a similar 2-year term, SH Kapadia authored 27 judgments, less than a third of Chandrachud. This is testament to how incredibly hard-working Chandrachud has been as CJI.

Chandrachud was part of several constitution bench matters of seminal importance, ranging from upholding

the abrogation of Article 370 to striking down the electoral bonds scheme. A constant peeve around the time he took over as CJI was that key cases that mattered to GOI were being killed by delay. He has firmly put that conspiracy theory to bed. In the process he has left a massive imprint on the development of law in India.

But what kind of imprint is it? As a judge, Chandrachud operated at an incredibly high level of reasoning, logic and nuance. Judges are often required to be like surgeons – making the finest of cuts to get the job done. Chandrachud was one of the finest of them all.

Read the judgment in the Ayodhya case closely. Irrespective of the result reached, it contains a meticulous parsing of evidence in a notoriously complicated case. Or, take his dissent in the Aadhaar case. On the question of whether the Aadhaar Act was correctly certified by the Speaker of the Lok Sabha as a Money Bill that did not require the assent of an unconvinced Rajya Sabha, he was clear and concise in his reasoning. Again, the outcome is an entirely different matter.

This is why it was unfortunate when, occasionally, Chandrachud's reasoning gave way. Now

and then, Chandrachud missed the line of the ball completely. He got carried away with his naturally liberal sensibilities and allowed women to enter the Sabarimala temple when the constitutional text sanctions nothing of the sort. He refused to be carried away by similar sensibilities on marriage equality and denied queer persons the right to marry a person of their choice. He upheld the decision to make Jammu and Kashmir a Union Territory while under President's Rule, going against every canon of federalism that he held dear in his other judgments.

It was not as if his judgments consistently favoured any side. But sometimes, and in some cases that mattered the most, his reasoning appeared to have faltered. Maybe Chandrachud marshalled his immense intellect to reach the result that felt

right in each case. To do that he sometimes hit a full toss out of the park, while defending it politely at other times. The plot thickened with every ball.

As CJI, optics matter and Chandrachud grasped this intuitively. He made the greatest strides

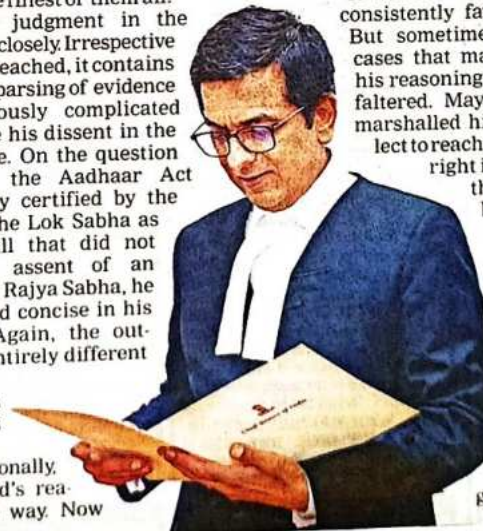
towards modernising the judiciary by livestreaming key hearings in the Supreme Court. The sight of five men in robes with sleek laptops sent a strong signal down the line to stop resisting the adoption of technology.

He championed the rights of persons with disability by fostering two daughters with Nemaline myopathy, a rare muscular disorder. He spoke about it publicly, bringing disability out of invisible recesses into the heart of the nation's power circles. His private life has always been public. He loves cats and regularly visits temples. It was no surprise that there was a camera when he was performing a Ganapati aarti at home.

That incident invited much public criticism. But CJI Chandrachud was never going to be a judge who would fade gently into the shadows. And why should he? At 65, he knows he still has much to offer the country. It would be a shame if he was lost to the world of commercial arbitration. It would be more of a shame if he took on something that would make him beholden to GOI. Imagine Shah Rukh Khan in his prime only doing govt ads.

When the dust settles, Chandrachud will be remembered as one of SC's great judges. He will also be remembered as one of its most ambitious who at times appeared to put himself above the institution. CJI DY Chandrachud is India's first celebrity CJI. He will not be its last.

The writer is Research Director, Vidhi Centre for Legal Policy. Views are personal



15 Dec, 2024

P1

Cong repeatedly wounded Constitution, says PM Modi

Slams Party For Sowing Poisonous Seeds

New Delhi: PM Narendra Modi on Saturday said Congress, having "tasted blood", repeatedly wounded the Constitution while his govt's policies since it took office in 2014 have been aimed at boosting India's

strength and unity in line with the vision of the Constitution.

Replying to a two-day debate in LS on the 75th anniversary of the adoption of the Constitution, he took a swipe at past Congress govts, accusing them of planting "poisonous" seeds in the country's diversity to accentuate its con-



traditions and damage its unity. Training guns at the Nehru-Gandhi family of Congress, Modi said they left no stone unturned to strike blows to the Constitution.

"This family challenged the Constitution at every level," he said, adding that he was singling out the family as its members were in office for 55 years. The family, having "tasted blood", repeatedly wounded the Constitution, he said, citing several decisions of Jawaharlal Nehru, Indira Gandhi and Rajiv Gandhi. Their next generation is also into the same game, he said in a swipe at leader of opposition in LS Rahul Gandhi and his sister Priyanka Gandhi Vadra. २१

► 'Judiciary throttled', P 8

Govt making Eklavyas of youth, farmers, poor: Rahul

New Delhi: Leader of opposition **Rahul Gandhi** on Saturday cited Hindutva ideologue VD Savarkar's criticism of the Constitution that there was "nothing Indian about it" to attack BJP and said the ruling party is "defaming and ridiculing" its own "supreme leader" when it talks about defending the Constitution.

BJP and RSS are "supporters of Manusmriti" but the country will be run on the Constitution, he said.

Drawing a parallel with the story of Eklavya who had to chop off his thumb as 'Guru Dakshina' to Dronacharya,

Gandhi alleged that by creation of "monopolies" for the Adani Group in various sectors, bringing in the Agnipath scheme, firing teargas at protesting farmers, bringing in lateral entry and allowing paper leaks, govt was "chopping off" the thumb of the youth, tillers, back-

ward class people and the poor.

Participating in a debate in Lok Sabha on 75 years of the adoption of the Constitution, Gandhi used the metaphor of the thumb as a symbol of livelihood and skill. २१

► 'Nothing Indian', P 8



TNB TIMES OF INDIA

18 March, 2025

P1

Centre asks Ahd court to deliver US regulator's summons to Adani

The Union law ministry has asked a district court in Ahmedabad to deliver a summons issued by



the US Securities and Exchange Commission to billionaire **Gautam Adani**

over alleged securities fraud and a \$265m bribery scheme, according to a letter dated Feb 25, seen by Reuters.

The summons, issued under Hague Service Convention that does not allow the serving of legal documents directly to defendants in In-

“The summons seems to be for appearance in a court in New York. If service is effected through the Indian court, the respondents will have to appear

—Arshdeep Khurana | Lawyer

dia, would require Adani or his legal counsel to appear in the case in the US, said Indian lawyers.

Adani and the law ministry did not immediately respond to requests for comment. Adani Group has, in the past, termed the allegations 'baseless' and vowed

to seek all possible legal recourse’.

The summons does not imply an extradition risk for the businessman, according to a lawyer.

“Extradition proceedings only come in to the picture if the US court issues warrants of arrest,” said Malak Bhatt, founding partner at NM Law Chambers.

However, Arshdeep Khurana, a criminal lawyer in India, said, “The summons seems to be for appearance in a court in New York. If service is effected through the Indian court, the respondents will have to appear.” REUTERS

THE TIMES OF INDIA

19 March, 2020

P1

Telangana passes two bills, ups BC quota to 42%, total reservation to 70%

Hyderabad: An eight-hour reservation debate in the Telangana assembly on Monday culminated in the passage of two bills that aim to extend quantum of reservation in education, govt jobs, and rural and urban self-governance from 50% to 70%, breaching SC's cap on quotas, reports Roushan Ali.

CM A Revanth Reddy showcased political unanimity in passing the bills — BRS, BJP, AIMIM and CPI backed the move — as a sign the states reservation framework deserved to be enshrined with a constitutional amendment during the ongoing session of Parliament. The first of the proposed laws — Telangana Backward Classes, Scheduled Castes, & Scheduled Tribes (reservation of seats and appointments) Bill 2025 — proposes a 42% quota for BCs, 18% for SCs and 10% for STs.

► Survey data, P 5

T'gana banks on door-to-door survey data to build quota case

► Continued from P 1

Telangana Backward Classes (reservation of seats in rural and urban local bodies) Bill 2025 extends the 42% BC quota to rural and urban local bodies.

Before this, BC reservation in local bodies ranged from 18% to 23%, depending on population of each municipality or panchayat.

Revanth put his hand up to lead an all-party delegation to PM Modi and other senior MPs to press for the proposed constitutional amendment. He said empirical data from a door-to-door survey by state govt would drive this amendment. The data, which includes information on BCs, SCs, and STs, is being presented as a bulletproof argument for exceeding the 50% cap on

reservations, a step Supreme Court had indicated could be considered if the numbers backed it.

Speaker Gaddam Prasad Kumar said the initial plan was to earmark 15% for SCs, which was increased to 18% based on a suggestion by AIMIM's Akbaruddin Owaisi. But the House rejected three amendments proposed by BRS. These called for a 42% quota for BCs in all govt contracts, creation of a BC sub-plan similar to those for SCs and STs, and a Rs 20,000-crore allocation for BC welfare in the upcoming budget.

Revanth, along with deputy CM Bhatti Vikramarka and BC welfare minister Ponnampalapati Prabhakar, expressed confidence that a constitutional amendment was a matter of time. Prabhakar urged all po-

litical parties to set aside their differences to institutionalise the 42% BC quota, drawing inspiration from Tamil Nadu's success in securing similar reservation for them through bipartisan support.

The assembly also discussed Telangana Scheduled Castes (rationalisation of reservations) Bill, which deals with the sub-classification of SCs. It will be debated on Tuesday before being sent to the governor for approval. Supreme Court has empowered states to sub-classify SCs.

Revanth informed the House that the erstwhile BRS govt had sent a proposal to Centre for 37% BC reservation. He said Congress govt would withdraw that proposal and send a new one for 42% reservation as the two proposals couldn't coexist.



19 Feb 2025

P-16

India, Teach Thyself

What Odisha tragedy says to foreign students here

Nepalese student Prakriti Lamsal's death by suicide at Kalinga Institute of Industrial Technology in Bhubaneswar is tragic; and a wake-up call for GOI, which wants India to become an education hub for developing countries. KIIT seemingly disregarded Prakriti's complaints of harassment against an Indian student. Later, without investigation, it labelled her suicide a result of heart-break. When hundreds of other Nepalese students protested, they were bundled out to Cuttack railway station and told to stay away. In one viral video, two KIIT staff are heard shouting at them that the institute's expenditure on tuition and board exceeds Nepal's budget. Such arrogance! By this logic, Indians in US should shop at Walmart with a sense of gratitude because the retail giant's revenue exceeds GOI's budget.



The case snowballed into a diplomatic issue. Nepal's PM Oli raised it, Indian embassy in Nepal gave an assurance, Odisha govt pulled levers, the institute apologised, urging evicted students to return. It also "removed from service" the two loudmouth officers. In 2013, many had scoffed when a global survey claimed India was among the most racist countries.

But ask students from Africa who have suffered racial abuse here. The Jan night in 2014 when a Delhi minister led a 'raid' against Nigerians is a stain that won't wash. Our record on people from our own Northeast isn't great either. Surveys showed how they were stigmatised as 'Chinese' during the pandemic. Now, this case has blown up in Nepal, biggest source of foreign students to India - 13,126 of 46,878 in 2021-22. Oli anyway has been showing off his China tilt. India wants 500,000 foreign students a year by 2047, but is stuck at the 50,000 mark. Accepting what's wrong might be a good place to start.

19 Nov, 2024

f4

World edu conference honours city school

TIMES NEWS NETWORK

Kolkata: In the three-day Education World Conference and felicitation ceremony organized at a hotel in Delhi, Shri Shikshayatan School received the award



for one of the best day girls' schools. Shikshayatan Foun-

dation general secretary Vinod Aggarwal and principal Sangeeta Tandon described this honour as an important milestone in the school's journey.

The school was established in 1965, courtesy the efforts of Padmabhushan Sitaram Seksaria and the support of the Birla family. It provides academic excellence, along with sports, music, art, literature and debate, to about 3,400 students from nursery to class XII. Training is also imparted in various aspects of

home science. The school also teaches foreign languages, like French and German, along with yoga and life skills.

During the last five years, the students have set an example by passing the secondary and higher secondary board examinations with first-division marks.

Aggarwal said that the guidance and support of Sudarshan Kumar Birla, Girish Khaitan and other trustees had an important bearing on the all-round progress of the school in the last decade.

When Judges Play A Drawn Game, Everyone Loses

A rash of split verdicts recently is a reminder to judiciary that two-judge benches are potentially a cause of delayed justice, more so when we have to keep waiting for answers to important/sensitive questions

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Like wheels within wheels, there are pleas within pleas – 'custody parole' for AIMIM candidate, Tahir Hussain, who wants to campaign in Delhi elections, is one example. Accused in 2020 Delhi riots case and behind bars for 5 years, his plea to Delhi HC for 'normal bail' was dismissed. He was allowed 'custody parole' (out of jail for 12 hours daily). Hussain challenged the order in Supreme Court.

A two-judge SC bench gave a split verdict – that means two opposing views on the same legal questions.

What's the challenge of two-judge benches?

Inconsistency in judicial decisions is confusing. Split verdicts have to be heard by a larger bench, or a referee judge decides the tie-breaker. In Hussain's case, a three-judge bench allowed him 'custody parole' from Jan 29 to Feb 3.

Luckily for Hussain, the decisions came back-to-back. Luckily, if it can be called that, Supreme Court's recent decision on a Chhattisgarh tribal Christian's burial too was settled quickly, if unusually, following a split verdict. One judge allowed the other's verdict to hold, regarding where the deceased would be buried: on his ancestral grounds or a Christian cemetery. Unusual because judges kept in mind the trauma their split verdict would inflict on the family. But the point is, as per the split verdict, both locations for burial could be upheld by law.

Why does a split verdict matter?

These two recent cases are examples where judges have differed but cases were speedily resolved. It is seldom so. Last Jan, a Bombay HC bench was divided on striking down amendments to IT rules that allowed GOI to run a 'fact check unit'. The case went into limbo. It wasn't till Sept that a tie-breaker judge struck down the amendments.

Although there's not much research on how long

split verdict cases take to be finally resolved – legal website SCO suggested 2 years – the reality is these cases move on a slow track. From custodial death cases to GM mustard, split verdicts have delayed prompt resolution on a wide range of key issues.

Chandrababu Naidu – accused by Jagan govt in a skill development scam and following Andhra HC's dismissal of his plea to quash an FIR – moved Supreme Court to kill the case. In Jan 2024, a two-judge bench was divided on application of sections of Prevention of Corruption Act. The matter went to CJI to constitute a



larger bench, where it has been since. Naidu returned to CM's office in June 2024, the case still undecided.

Are major issues waylaid when a bench can't give one ruling?

Criminalising marital rape is among most contested issues awaiting Judgment Day. In 2022 the exception to marital rape in IPC, now BNSS, was challenged. A Delhi HC bench heard the case. One judge held the exception unconstitutional, the other upheld its validity. The case is hanging fire in Supreme Court.

Take the hijab case – following Bombay HC's split verdict in 2022 on whether asking schoolgirls to wear or not wear hijab on school premises is kosher, the matter reached Supreme Court, where it's yet to come up. Bottom line: When judges are undecided, people suffer. Both these cases deal with women's access to education and justice. All such cases, as TOI has always argued, must be settled within a reasonable period.

Dramatic split verdicts: Crime & Punishment

Even murder cases throw up split verdicts. Calcutta HC in July 2024 baffled both prosecution and defendant with one judge setting aside death penalty with 30 years in jail, while the other ordered an outright acquittal. It is now for Calcutta HC chief justice to decide on the case.

Flashback. No time was wasted in deciding Yakub Memon's last plea to stay his execution. Supreme Court gave a split verdict on July 29, 2015. One judge upheld the execution, the other favoured a stay. A three-judge bench met with alacrity within hours – at 3am on July 30, 2015, to unanimously dismiss Memon's plea. Memon was executed at 7am in Nagpur Central Jail.

Political cases aren't free of unclear verdicts. Bail for former Bengal minister Partha Chatterjee, in judicial custody since 2022 in a money laundering ED case, is slated to start tomorrow, Feb 1. Supreme Court allowed a deferred bail order on Dec 13. But he may not be released since he is in CBI custody in another case.

Calcutta HC, the third bench to hear Chatterjee in the CBI case, rejected his bail plea. The first division bench was split – one said yes, the other said no. A referee judge concurred with denying him bail. Calcutta HC then put its seal.

What's the way ahead?

Given perception of an uptick in split verdicts, of repeated concerns of forum shopping, of inefficient interpretation of law, Supreme Court and high courts must ensure that split verdicts are quickly followed by a judicial decision. Split verdicts, when not speedily settled, amount to justice stalled.

17 JAN, 2024

P1

CU exit programme: Only 13 of 1st 4-yr UG batch quit after 2nd sem

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Kolkata: Among lakhs of students pursuing undergraduate courses in Calcutta University, only 334 applied to 'exit' after completing first year under the four-year degree programme, an option introduced in the 2023-24 academic session in line with the National Education Policy.

Of the 334, only 13 were allowed to exit and handed a 'leave certificate'. The rest were disallowed since they did not fulfil the required exit criteria that included pas-

sing all exams and completing a summer internship.

Calcutta University's interim vice-chancellor Santa Datta said the number of students seeking exit after the first year was too low to even draw up a percentage. "We

► Five from science, P 5

are very happy that even though students have the option for an exit, very few applied for it," she said, and added that while the university would provide exit certificates to the 13 students, it would also check if anyone wanted to continue studies by pursu-

ing some other course. "In that case, we need to look into the matter because our major thrust is to reduce dropout rate in higher education," she said.

Calcutta University started offering multiple entry and exit options when it introduced the four-year UG programme in 2023-24 in keeping with the curriculum framework drawn up by the University Grants Commission (UGC). Per the new norms, students have the option of exiting after the completion of second, fourth and sixth semesters.

CU exit scheme: 5 from science, 7 from humanities, 1 from comm

► Continued from P 1

Among the 13 CU students who exercised the option to exit their four-year UG programme after the end of two semesters, seven were from humanities, five from science, and one from commerce. One of them, a student from Lady Brabourne College, expressed her wish to pause her ongoing programme. However, she also wants to return after completing the law course and complete her four-year graduation. College principal Siuli Sarkar said she was the only student who wanted to leave.

18 JAN, 2028

P7

UGC bars 3 private varsities from PhD enrolments for 5 yrs

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New Delhi: University Grants Commission (UGC) has barred OPJS University (Churu), Sunrise University (Alwar), and Singhania University (Jhunjhunu) from enrolling students in PhD programmes for five years (2025-26 to 2029-30) due to violations of academic norms and UGC PhD regulations. Immediate suspension of admissions at the three Rajasthan universities was ordered Thursday.

UGC, after reviewing compliance with guidelines such as entrance exam protocols, Research Advisory Committee formation, and thesis evaluation standards, deemed their practices unsatisfactory. Thirty others are under the scanner.

UGC chairperson M Jagadesh Kumar emphasised the importance of maintaining PhD programme integrity and revealed that more universities across India are under review. Violations may result in similar punitive actions to uphold the reputation of Indian higher education.

"Universities should be committed to maintaining the highest standards in PhD programmes. UGC will take appropriate action against institutions that fail to follow UGC's PhD regulations. We are also in the process of checking the quality of PhD programmes in a few other universities. If they are found to violate the PhD regulations, action will be taken against them too. It is necessary to single out such erring institutions and prevent them from admitting PhD students. We should ensure that the integrity and global reputation of Indian higher education remain uncompromised," said Kumar.

The UGC plans to evaluate universities in batches of 10 annually to ensure adherence to regulations, signalling its commitment to academic excellence and innovation. Institutions found violating norms are issued a show-cause notice, and punitive action follows if they fail to comply after appeals. Kumar advised students to verify university credentials before enrolment.

C M Y K

The Times of India

July 30, 2025

P-2

THE TIMES OF INDIA, KOLKATA
TUESDAY, JULY 30, 2024

TIMES N

From 60k to 80k in '23, pending cases in SC up 35% in 5 years

62L HC Cases,
Up From 46.8L
In 2019: Govt

TIMES NEWS NETWORK



New Delhi: Pendency of cases in SC had increased 35% in the past five years, from 59,859 in 2019 to 80,765 till the end of 2023, law minister Arjun Ram Meghwal informed Parliament on Thursday. In absolute terms, the pending cases have increased by over 20,900 in the past five years, increasing pressure on the country's top court despite the fact that it has been functioning at full strength.

In the 23 high courts across the country, case pendency increased from 46.8 lakh in 2019 to over 62 lakh in 2023, marking a rise of more than 15 lakh cases and a 33% increase.

The largest pendency, however, is in subordinate courts at 4.4 crore cases till the end of 2023. Compared with 2019, when the lower judiciary had 3.2 crore cases pending, the rise in pendency is by more than 1.2 crore cases, an increase of 38%, according to the information shared by govt.

"There are several reasons that lead to pendency of cases in courts, which include availability of physical infrastructure and supporting court

The lack of prescribed timeframe by respective courts for disposal of various kinds of cases also led to delay, govt told Parliament

staff, complexity of facts involved, nature of evidence, cooperation of stakeholders viz. bar, investigation agencies, witnesses and litigants and proper application of rules and procedures," the law minister said. The other factors that lead to delay in disposal of cases include lack of prescribed timeframe by respective courts for disposal of various kinds of cases, frequent adjournments and lack of adequate arrangement to monitor, Meghwal added.

The minister admitted that lack of coordination between agencies involved in the criminal justice system often leads to pendency. Though the criminal justice system functions on assistance by various agencies viz. Police, prosecution, forensic labs and medico-legal experts, the minister said the resolution of pending cases in courts is within the exclusive domain of the judiciary.

HC collegiums yet to name picks for 39% of vacancies, says govt

TIMES NEWS NETWORK

New Delhi: For nearly 39% of the existing vacancies in various high courts across the country, HC collegiums have not sent any recommendation yet to govt, law minister Arjun Ram Meghwal told Parliament on Thursday in response to a question on whether Centre was doing anything on the huge vacancies in the constitutional courts.

Against 357 judges post vacant in 23 high courts as on July 19, Meghwal said, only 219 recommendations have been received from various HC collegiums for appointments. For at least 138 remaining vacant positions, no recommendations have yet been made by the collegiums concerned, the minister said.

As per the memorandum of understanding guiding the appointment of judges to HCs, recommendations for elevation of eligible advocates are first made by HC collegium concerned to govt. After vetting by the Intelligence Bu-

reau, these recommendations are then sent by govt to SC collegium for its approval. Once SC collegium recommends a name, it becomes mandatory for govt to appoint them as judges. "Out of these 219 proposals, 90 were sent to the Supreme Court collegium (SCC) for seeking advice against which the SCC has provided advice on 82 proposals which are at various stages of processing," the law minister said in response to a question in RS on Thursday.

On the remaining 129 proposals received from HC collegiums, the govt is currently engaged in vetting and processing them for the advice of SCC. The minister said, besides these pending recommendations, five proposals for transfer of judges are under consideration. "Chief Justice of a HC is required to initiate the proposal to fill up the vacancy of a HC Judge six months prior to the occurrence of vacancy. However, this timeline is often not adhered to by the high courts," the minister said.

18 JAN, 2021

p2

Digi arrest victim warns others on cop FB page

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Kolkata: A Tangra resident became the first victim of digital arrest in Kolkata to share his experience on the Kolkata Police Facebook page. The victim, Shyamal Bakshi, urged everyone to check multiple times with local police before blindly believing calls from "cops".

According to Bakshi, he received a call on May 20 last year where the caller claimed he was a Mumbai Police officer. "He said that multiple SIM cards were picked up in my name and address and claimed that they were being used to commit crime. Initially, I was suspicious. However, the caller kept sending me 'evidence' one after the other. They even sent me papers with stamps from multiple agencies and I subsequently fell in their trap. They threatened to harm my family members and demanded I share all my bank details, which they claimed might otherwise be frozen. When I gave away all personal details, the accused siphoned Rs 88 lakh from my accounts," claimed Bakshi.

Bakshi claimed that he went to Tangra Police and lodged an FIR. The cops managed to recover Rs 30.7 lakh and another Rs 35 lakh has been kept frozen. "I request everyone not to get alarmed. If you are accused of a crime, approach your nearest police station immediately," said Bakshi.

STEPS TO STAY SAFE



> Identify the patterns - throwing in random numbers, FIR sections and engaging multiple agencies with "cops in uniform" are ways to intimidate

> Do not engage with the caller

> Always verify the identity of individuals claiming to be from law enforcement agencies using official websites and contact numbers, rather than relying



on search engine results or the information provided by the caller

> Avoid payments.

Legitimate investigations do not involve payments as a condition for avoiding arrest. **If you are asked to transfer money, it should raise a red flag**



> If you still realise you've been duped, contact the financial helpline 1930 within 15-20 minutes to freeze any transfer



The interaction was part of a special contact programme for senior citizens to make them aware of cybercrimes. Now, it seems the reason is clear — almost 42% of those responding to the fraudsters threatening digital arrest are senior citizens. Kolkata Police has issued a fresh set of dos and don'ts for the senior citizens after posting Bakshi's video.

It was only last month when Kolkata Police admitted that digital arrest fraud was becoming their biggest challenge. The cops received 49 complaints related to digital arrests in the past 27 days, a dozen of which involved victims actually paying the fraudsters.

According to cops, it's im-

portant to report it to police once the fake call is traced. "Do not engage with the caller. Always verify the identity of individuals claiming to be from law enforcement agencies using official websites and contact numbers, rather than relying on search engine results or the information provided by the caller. Avoid payments. Legitimate investigations do not involve payments as a condition for avoiding arrest. If you are asked to transfer money, it should raise a red flag. If you still realise you've been duped, contact the financial helpline 1930 within 15-20 minutes to freeze any transfer. Additionally, file a complaint with your local cybercrime cell," said an officer.

20 JAN, 2025

'Life as a college fresher isn't easy. It might take time to form bonds'

To help readers cope with their anxieties in these stressful times, TOI has launched **Talk it Out**, a series in which expert counsellors answer your mental health queries. This week's advice is from psychotherapist **Atmica Reddy**

■ I am a first-year college student struggling with feelings of loneliness and isolation, as I don't have any friends in college. I am not naturally expressive, which makes it difficult for me to make friends. Adding to this, the environment in my college is challenging, as most students seem self-centered, form exclusive groups, and often speak poorly about those who are alone. These daily experiences have significantly impacted my mental well-being, leading to anxiety attacks and a persistent feeling of being left out. Despite my efforts to initiate conversations, I often feel that no one is genuinely interested in forming a connection. Some people even approach me only when they need something, which makes me feel used and undervalued. Attending college has become an emotionally draining experience for me. While this college was a dream my parents had for me, the reality has been overwhelming, and I am struggling to cope with the situation. I need some guidance to help me overcome these challenges.

— Anonymous

I see how difficult it must be for you. Starting out in a new college is a big transition. It is normal to experience loneliness and isolation, especially in the beginning. I understand that you intend to build friendships that are real and genuine, which is a realistic goal to have. It is however important to remember that these kinds of deep and real connections can take time to form. You might see others forming close bonds very soon, but they may not always be built on the foundation



of true connection and genuineness. Avoid comparing yourself with others and trust that you are on your own unique journey. Often these things happen when we least expect it. Try to be patient and hopeful. In the meantime, take care of yourself and do the things you enjoy. Join activities or clubs of your interest where you might meet like-minded people and take active steps to nurture the existing relationships in your life. You could also seek support from a psychotherapist/counsellor who can help you navigate this challenging time.

■ I am in Class 9, aspiring to become an IAS officer. However, I am struggling to stay focused on my goal and frequently get distracted in one way or another. Additionally, I find it difficult to cope with performance-related anxiety, as I constantly fear failure and worry about the question, "What if I don't succeed?" This fear has become overwhelming, especially because my academic performance, which was previously good, has recently deteriorated. This decline has left me feeling depressed, under immense pressure and doubting my abilities. Please help.

— Anonymous

To become an IAS officer is a great goal to have and one that requires immense hard work and dedication. So, I understand how it may be worrying if you cannot focus and do not perform as expected. However, these ups and

downs, especially in school years, are normal. I'd encourage you to be curious about what makes you distracted and see how you can reduce the distraction even if you cannot fully eliminate it. It might also help to notice when you can focus and try and get as much done when this is possible. Take the support of someone reliable to hold you accountable. Managing anxiety is extremely important, so I'd suggest some techniques such as box breathing, where you inhale to a set number of counts, say four counts, hold your breath for four counts and then exhale for four counts. Journaling can also help. Do this as a regular practice and not just when there is anxiety. If your anxiety persists or worsens, please reach out to a licensed mental health professional. Please remember that these are temporary challenges and you can get through it with some support.

■ I have had a secret crush on somebody for weeks now and I got to know that she is seeing someone. He is smarter and more handsome than me. I feel I may not be good enough. What do I do to get her attention?

— Anonymous

Romantic pursuits can be exhilarating and at the same time quite nerve-racking! What you are experiencing is very common and almost inevitable when we fancy someone. You seem to believe your secret crush is seeing someone smarter and more handsome, but these things are subjective. Each of us feels attracted to different qualities and traits in a person. There is no single definition or even a universal grading scale for smartness or good looks. We cannot force someone into feeling the way we feel, but we can be honest about how we feel towards them. If you do feel strongly about them, you can express your feelings to them and give them the chance to decide what they would like to do. I'd advise you to shift the focus from getting your crush's attention to developing healthy self-esteem. You could work with a psychotherapist to help you with the same. And remember that rejection is redirection. It merely determines what is for us and what is not for us, not our inherent worth. You are good enough and worthy regardless of what happens in this situation.



WANT SOME ADVICE?

Sharing can help your recovery so write to us at talkitout@timesofindia.com with your question, name and place. But if you wish to stay anonymous, do indicate that in your email.

You can also visit bit.ly/TOITalkitOut or scan this QR code to send in your concern.



THE TIMES OF INDIA
31 JAN, 2025

Mixed schoolbag: Attendance up, but digital literacy remains uneven

Manash Gohain
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New Delhi: India's education landscape in 2024 showed mixed progress in key areas such as school attendance, digital literacy, and the reduction in underage enrolment, according to the Annual Status of Education Report (ASER) 2024. While overall school attendance had improved marginally, digital literacy among students remains uneven, and there was a noteworthy decline in the proportion of underage children enrolling in govt schools.

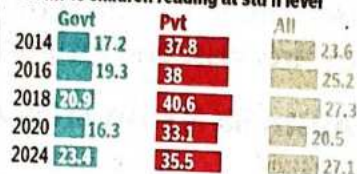
Student attendance in govt schools had steadily increased since 2018. Nationally, attendance in govt primary schools rose from 72.4% in 2018 to 75.9% in 2024. However, ASER data revealed stark state-wise disparities. Kerala, Tamil Nadu and Himachal Pradesh recorded attendance levels above 85%, whereas states like Uttar Pradesh and Bihar lagged with figures around 65%. Uttar Pradesh played a crucial role in driving the national increase in attendance, according to the ASER survey.

Digital literacy emerged as a crucial area of focus, yet the findings indicate wide variations across states. Nationally, about 70.2% of boys and 62.2% of girls aged 14-16 could access a smartphone for digital tasks. The survey assessed children on basic digital skills such as setting an alarm, browsing for information, and locating a video on YouTube. Over 75% of those tested were able to complete the tasks successfully. Gender disparities were evident, with boys outperforming girls in most states except Karnataka, Andhra Pradesh and Kerala, where the gap was either negligible or reversed.

Access to smartphones was nearly universal, with 90% of students reporting availability at home, but ownership was significantly lower among girls. In Bihar,

READING LEVEL BY SCHOOL TYPE: ALL INDIA (RURAL) 2014-24

Std III: % children reading at std II level



Std III: % children who can do at least subtraction



Lowest performing states in reading (std V)

The percentage of std V children in government schools who could read a std II level text was the lowest in:



➤ These states performed significantly below the national average of 44.8% in reading comprehension

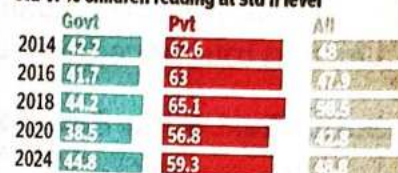
Lowest performing states in arithmetic (std V)

The proportion of std V children in government schools who could correctly solve a division problem (3-digit ÷ 1-digit) was the lowest in:

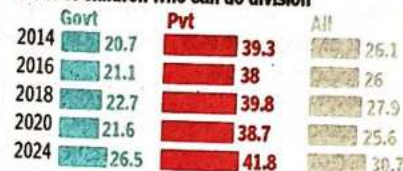


➤ The national average for this metric was 30.7%, meaning these states lag significantly in numeracy skills

Std V: % children reading at std II level



Std V: % children who can do division



Lowest performing states in school attendance

The primary school attendance rates (age 6-10) were lowest in:



➤ These states fall well below the national 74.5% attendance rate, indicating challenges in school participation

State-level performance

Reading levels

Best performers (std V) | Mizoram (64.9%) and Himachal Pradesh (64.8%) had the highest proportion of std V children in government schools able to read a std II level text

Arithmetic levels

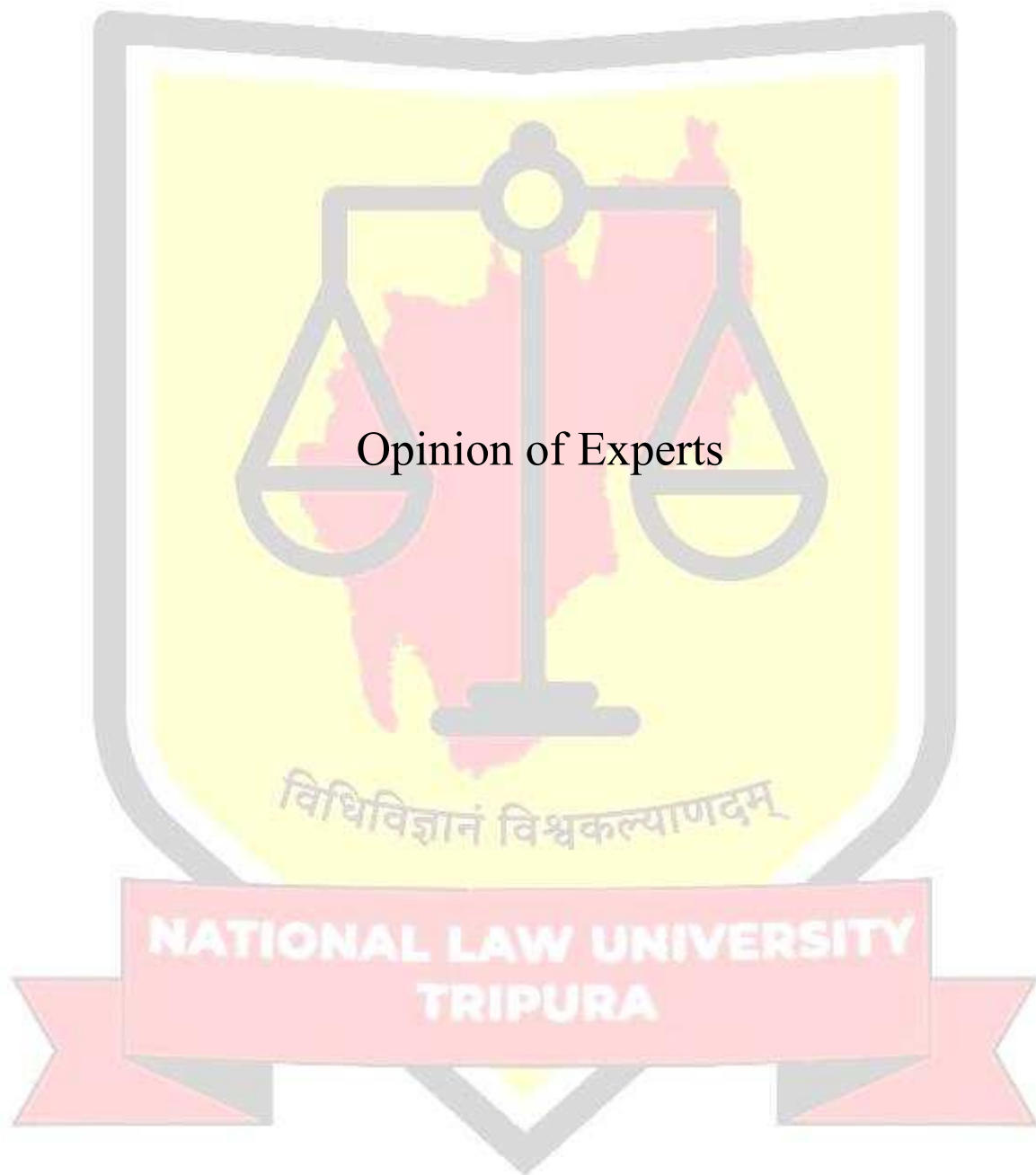
Best performers in arithmetic (std III-V) | States with 10+ percentage point gains in government school arithmetic scores included Tamil Nadu, Himachal Pradesh, Punjab, and Uttarakhand
Best attendance rates | Kerala (91.1%), Himachal Pradesh (87.5%), and Punjab (85.6%) recorded the highest attendance rates

Jharkhand and Madhya Pradesh, both access and usage of smartphones were below the national average. "Access is not same as meaningful usage. Many students have smartphones at home but lack digital skills," stated an ASER field coordinator. One of the notable shifts in school enrolment patterns is reduction in underage enrolment. The proportion of five-year-olds enrolled in Class 1 has been steadily declining — from

25.6% in 2018 to 16.7% in 2024. This shift aligns with the National Education Policy (NEP) 2020's emphasis on strengthening early childhood education and ensuring children enter formal schooling at the appropriate age. Gujarat saw the sharpest decline, from 36.4% in 2022 to less than 4% in 2024. Similar trends were observed across most states, reflecting efforts to prioritise pre-primary education. "This data confirms

that parents and schools are aligning more closely with the NEP 2020 guidelines," observed an ASER analyst.

The decline in underage enrolment marks a significant structural shift, likely to have positive long-term impacts on learning outcomes. As India continues to expand access to education, bridging these gaps will be critical to ensuring equitable and quality learning opportunities for all children.



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24 Feb, 2025

PM

NATION

THE TIMES OF INDIA, KOLKATA
MONDAY, FEBRUARY 24, 2025

'Give your daughter space to make her own choices about marriage'

To help readers cope with their anxieties in these stressful times, TOI has launched *Talk it Out*, a series in which expert counsellors answer your mental health queries. This week's advice is from counselling psychologist Nishtha Grover

■ I am the father of a 33-year-old daughter. She is an architect-cum-interior designer and works in a well reputed company. Apart from her job, she also does her own projects. We have been facing the problem of not finding a suitable match for her for the past seven years. Whenever we choose a match for her, she does not respond positively. We also told her that if she has chosen someone of her own choice, she can feel free to tell us and we will do the needful. But till date, there has been no positive response from her side. We are frustrated and worried. How can we convince her to settle?

— Anonymous

As a parent, I understand you feel worried for the future of your daughter. As parents, we often have strong desires for our children's happiness, and we want to support them in every way we can. In India, marriage is often seen as a significant milestone that must be achieved, but it's important to help your daughter see marriage as a choice rather than an obligation. Reframe marriage as a choice rather than a requirement. You're in a challenging position because you clearly want the best for her, but you're encountering obstacles that may be deeply tied to her personal choices, values, and potentially unmet needs that haven't been fully discussed. Today's generation views settlement quite differently than the previous one. Your daughter may have internalised the idea that marriage should be something she chooses independently, rather than feeling pressured into it by family. She might have a very specific idea of what qualities she wants in a life partner, and if the suitors presented to



her do not meet those criteria, she may simply not feel that the match is right. This can be especially true for someone who is self-sufficient and values independence, as she might be looking for a partner who shares her values and supports her career ambitions. Being patient and giving her space to make her own choices might ultimately help reduce any pressure she feels. Try having a gentle discussion about what marriage means to her and whether she sees herself in a companionship or not. Rather than convincing her, try respecting her views. Ultimately, your pride should stem from her identity and not her marital status.

■ I haven't been doing well for the past three years in my personal relationships. I'm in love with someone who was a very good friend. He left me without any information or reason. I didn't want to ask him why, but I kept crying for him even though he didn't care for me or my feelings. I don't know how to take him out of my mind. I am a family-oriented girl and want to live a happy life.

— Anonymous

It is hard to see someone shut us off when we are so invested in them emotionally. What you're going through is painful, especially when it's with someone who once meant a lot to you, and the lack of closure only intensifies those feelings. Love is complex and grieving over the loss of it is a natural response. One of the hardest parts of this situation is the uncertainty, which means you've been left with only your thoughts and feelings to try to make sense of everything that becomes intrusive, leading to crying spells, emotional numbness, inability to form meaningful connections, and confusion. The pain, though intense now, will gradually diminish as you create space for new experiences, emotional growth, and self-reflection.

You mentioned being a family-oriented girl who wishes to be happy, hence I would urge you to look within, sit with your strengths, and create an action plan for your life ahead. The most poignant step in healing is recognising that you are worthy of love and happiness and that this situation doesn't define you. Try to gently refocus your attention on things that are in your control. Recognise that feelings of distress and disappointment are valid but, at the same time, allow yourself to release the notion of requiring someone's validation to heal. You can create your own closure even without the answers you were hoping to hear.

■ I graduated four years ago and started preparing for competitive exams so that I could get a govt job. However, I am not able to concentrate on my studies. I have also been troubled by problems at home. Things are not right between my parents, and there are financial issues too. My father is an alcoholic and the situation is getting worse, making things unbearable. Sometimes, I feel like I should give up on everything or get a job for any amount of money. How can I deal with this?

— Anonymous

You are in an extremely tough spot where multiple stressors have accumulated together and are making you feel overwhelmed. The family situation you're describing sounds like it's significantly contributing to your emotional and mental distress. When there is an environment of unpredictability or tension among the ones you love, focusing on a task can be difficult. It looks like you also feel a sense of responsibility to fix the situation, or you may feel like you're walking on eggshells to avoid triggering more conflict. The first step is to acknowledge that the present environment is not conducive. While studying for a competitive exam can add enormous stress, I suggest that you break down your subjects into smaller chunks and create a roadmap to cover 1-2 hours each day, and then slowly increase them to 4-5 hours as your confidence increases. I also feel you should be finding a public library and a study buddy which will provide you with an academic ambience. You may not be able to change your father's behaviour immediately, but finding ways to get support for yourself is crucial. If financial issues are creating a sense of urgency, consider exploring part-time work or internships. Do this only if you have the mental bandwidth.



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How Free Is Free Speech

Supreme Court has mostly ruled against govt attempts to restrict this right, right from 1950. The ruling on Allahbadia case will be another test

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When the Constitution came into force on Jan 26, 1950, 'we the people' had fettered our right to free speech guaranteed under Article 19(1)(a) by "reasonable restrictions" - libel, slander, defamation, contempt of court, decency and morality and security of state or attempt to overthrow a govt - through Article 19(2).

A month later, Madras govt on March 1, 1950, under Madras Maintenance of Public Order, banned sale and distribution of a Mumbai news weekly *CrossRoads* within the state as it had published an article on police violence in Salem prison resulting in death of 'communist' prisoners. Publisher Romesh Thappar moved the Supreme Court directly terming the order an infringement of the right to free speech.

All six SC judges heard the case and on May 26, 1950, ruled that "imposition of restrictions for the wider purpose of securing public safety or maintenance of public order falls outside the scope of authorised restrictions under Article 19(2) and is therefore void and unconstitutional".

In a five to one judgment, SC ruled, "Where a law purports to authorise imposition of restrictions on a fundamental right in language wide enough to cover restrictions both within and without the limits of constitutionally permissible legislative action (reasonable restrictions) affecting such right, it is not possible to uphold it even so far as it may be applied within the constitutional limits, as it is not severable."

Earlier on the same day, the same bench in *Brij Bhushan vs Delhi*, again by five to one (S Fazl Ali dissenting in both), had quashed Delhi Chief Commissioner's order asking the publisher of English weekly *Organiser* to submit for vetting, prior to publication of any article, news, photographs or cartoons relating to Pakistan. The bench ruled, "There can be little doubt that the imposition of pre-censorship on a journal is a restriction on the liberty of the press which is an essential part of the right to freedom of speech and expression declared by Article 19(1)(a)."

With these two rulings laying the foundational jurisprudence on right to free speech, SC in the next 75 years expanded and enriched the width and content of free speech, rebuffing legislative or executive attempts to restrict it on any ground, real or imaginary, other than the 'reasonable restrictions' prescribed in Article 19(2).

A fortnight before these judgments, Nehru had moved the first amendment to the Constitution, to expand restrictions on free speech by adding the following: friendly relations with foreign states, public order and incitement of an offence. The amendment was approved by Parliament and came into force on June 18, 1951.

SC included press freedom in free speech ambit in the 1972 *Bennett Coleman & Co vs Union of India* judgment. A five-judge bench said, "The Press has the right of free propagation and free circulation

In 1995, SC in *Cricket Association of Bengal* case said the right to free speech included the right to disseminate information by electronic media. It ruled, "If the right to freedom of speech and expression includes the right to disseminate information to as wide a section of the population as is possible, the access which enables the right to be so exercised is also an integral part of the said right."

In the 2013 judgment in *Lily Thomas* case, SC ruled that voters' free speech and expression included their right to know the credentials of candidates, thus mandating them to declare their criminal antecedents, assets and educational qualifications.

Advent of the internet, explosion of private individual channels coupled with spread and reach of social media exponentially expanded the free speech horizon. 'Reasonable restrictions' now had to contend with derogatory, defamatory and offensive posts.

Yet, SC favoured free speech by striking down Section 66A of the Information Technology Act, inserted by UPA govt through an amendment in 2009 to curb offensive electronic communications, as violative of free speech as the restraint did not fall within the Article 19(2) restrictions (Shreya Singhal 2015).

In *Shreya Singhal*, SC said, "Insofar as abridgement and reasonable restrictions are concerned, both US Supreme Court and this Court have held that a restriction in order to be reasonable must be narrowly tailored or narrowly interpreted so as to abridge or restrict only what is absolutely necessary."

In *Apoorva Arora* case (2024), SC dealt with the validity of criminal prosecution against vulgar and obscene words being used in a web-series *Happily F****d Up*.

Though concerned over expletives used in the web-series, SC said, "availability of content that contains profanities and swear words cannot be regulated by criminalising it as obscene...it is a disproportionate and excessive measure that violates freedom of speech, expression, and artistic creativity."

Ranveer Allahbadia's controversial statement revives the debate over extant and extent of free speech yet again. SC's decision in this case will determine the scope of free speech or that of 'reasonable restrictions'.



Uday Deb

without any previous restraint on publication. If a law were to single out the press for laying down prohibitive burdens on it that would restrict the circulation, penalise its freedom of choice as to personnel, prevent newspapers from being started and compel the press to govt aid, this would violate Article 19(1)(a) and would fall outside the protection afforded by Article 19(2)."

Emergency was the exception to SC's approach to free speech. Mercifully, SC redeemed itself by expanding the ambit of fundamental rights through *Maneka Gandhi* judgment (1978).

ALL THAT MATTERS

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I'm against death penalty. Poor are hanged because they cannot afford good lawyers

Sunil Kumar Gupta's 35-year stint at Tihar was full of drama — encounters with high-profile inmates like Charles Sobhraj, executions, escapes and much-needed prison reforms. Post-retirement, he chronicled his experiences in 'Black Warrant: Confessions of a Tihar Jailer'. Gupta, whose co-authored book is now a web series, talks to Sneha Bhura about biases and challenges in the prison system

■ A 'black warrant' is the death sentence given to a prisoner. What was the reaction of different prisoners when you delivered it?

During my tenure at Tihar, eight executions took place, from Ranga-Billa, Kashmiri separatist Maqbool Bhat, brothers Kartar and Ujagar Singh to Indira Gandhi assassins Satwant Singh and Kehar Singh, and Afzal Guru, whose execution I personally witnessed. Most of those awaiting execution are deeply depressed. The only exception I encountered was Afzal Guru. When he was informed about his execution, he began singing a Bollywood song, 'Apne liye jiye toh kya jiye, tu ji ae dil zamane ke liye' (If you lived for yourself, you've hardly lived, live for the world). He claimed he wasn't a terrorist but had been labelled one. He added, 'If I were a terrorist, I wouldn't have ensured my child became a doctor'.



FOR THE
RECORD

and Moninder Singh Pandher got off despite serious allegations because they were defended by prominent lawyers in the Supreme Court. If the death penalty is being used as a deterrent, it isn't working. There is an average of 78 murders a day. The SC recently started awarding sentences that mandate spending a significant portion of one's life in jail. Such sentences, in my opinion, will have a far greater impact on reducing crime than the death penalty.

■ You saw VIP prisoners like Charles Sobhraj getting special treatment. Tell us about the biases in the prison system.

In 35 years of Tihar, I've observed that corruption outside reflects inside. Typically, influential prisoners get privileges like more visitor access, food from home, TV, private medical treatment etc. Ordinary prisoners making similar demands risk punishment, even beatings.

■ What other kinds of inequalities are practised within the prison system?

When I joined Tihar in 1981, caste-based assignments were still codified. For instance, it was written that the bhangi caste should handle sewer cleaning. We had this outdated rule removed within two years. Interestingly, within the Tihar system today, sewer cleaning has become the most sought-after job because it offers better remission: seven days per month compared to five for other tasks. Funnily, another outdated rule from the 1947 prison manual was a ban on wearing Gandhi tops. This rule, originally targeting revolutionaries, was absurdly still being enforced. We rectified that as well.

■ What challenges does overcrowding create?

In 2022, undertrials constituted a staggering 76%

of the prison population nationwide, with Delhi prisons reporting even higher figures—82%. In developed countries, undertrials make up around 25% of the prison population. There are no rules or guidelines mandating specific time-frames for resolving cases based on their severity. Without clear timelines and penalties for delays, the system remains inefficient and unaccountable. Managing undertrials poses unique challenges for jailors or prison staff. Convicts, being under state custody, can be disciplined through punishments outlined in the jail manual, such as cutting remission or wages or imposing fetters. Undertrials, however, are in judicial custody, leaving little scope for enforcing discipline. If an undertrial assaults or kills another, the only option is to register a new case with the police. And they are already in jail, so why would they care? This lack of deterrence creates numerous problems such as attacks on each other, bribing staff, etc.

■ What prison reform are you most proud of?

In the early 1990s, during Kiran Bedi's tenure, we passed a rule that no prisoner would be subjected to third-degree torture or even physical beatings by jail staff. When this was announced, the entire staff protested, claiming that running a jail without beatings was impossible. Ms Bedi confronted them, asking, 'How many times have you beaten a habitual offender or a gangster?' (Laughs) The truth was that they rarely dared to touch gangsters. Instead, they targeted weaker inmates—those who couldn't fight back, either to extort money or for their own sadistic pleasure. When she pointed this out, the room fell silent. By the time I retired, physical violence had become the exception, not the norm.

■ Any other deep dives into the prison system?

My next book is on tactics prisoners use to escape custody. Tihar jail has not only been a trendsetter in reforms but also in escapes. These escapes are rarely dramatic and involve trickery. Sobhraj spiked sweets with drugs to immobilise jail officials in 1986, while Sher Singh Rana (who killed Phoolan Devi) escaped in 2004 with the help of a man impersonating a police officer. In 1995, a prisoner scaled three walls using sanitary pipes. One escaped in 1992 by dressing in a sleeping officer's uniform after giving him a head massage; as he walked out, the guards saluted him! In contrast, in states like Punjab and UP, escapes often involve direct confrontations, such as threatening guards with guns.

■ Having witnessed so many executions, what is your view about the death penalty?

I have always been against it. In India, around 82% of the prison population comes from underprivileged backgrounds. They lack access to competent legal representation and are reliant on legal aid advocates who are ill-equipped to handle their cases. In the Nirbhaya case, the four convicts didn't have a strong legal defence, which contributed to their being hanged simultaneously. In the Indira Gandhi assassination case, three killers were convicted, but Balbir Singh, who had Ram Jethmalani as his lawyer, was acquitted. This pattern repeats itself: individuals with high-profile lawyers often escape harsher sentences. Take Afzal Guru's case. He relied on state-provided legal aid. If he had access to a better advocate, his fate might have been different. In the Nithari case, Surinder Koli

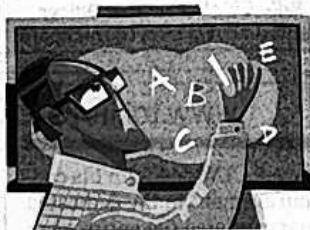
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Who'll Speak For English?

GOI and Tamil Nadu are taking up the wrong language cause. They should put students before politics

Everything changes, nothing changes. Half a century ago, the Centre and Chennai were at loggerheads over the three-language policy. They are at it again. Morarji Desai and Annadurai are long gone, but those same roles are being essayed by Dharmendra Pradhan and Stalin. GOI is still saying Tamil Nadu must come to terms with the Constitution, Tamil Nadu is still saying GOI mustn't do Hindi imposition. One thing they are on the same page on? High decibel politics. Never mind that confrontational posturing does little for students in whose name it's being done.

There's always been a broad sentiment in TN that forcing Hindi upon its students would both be an unnecessary burden and a cultural



'assault'. Against this backdrop, the Centre withholding Tamil Nadu's central share of Samagra Shiksha funds until it falls in line on the language issue, is untenable. First, because it disrespects federalism. But even more importantly, because educational outcomes alone should be the yardstick in such matters. On this front, the

latest Aser report reveals 36% of Class 5 govt school students in Tamil Nadu can read a Class 2-level text, and 21% can do division. This compares to 49% and 31% at the nationwide level, respectively. Obviously the state is underperforming relative to its wealth. But non-release of central funds isn't the solution.

Meanwhile, with one side standing for Hindi and the other for Tamil, who will stand for English? Parents scrounging to send their children to 'English-medium' schools tells the critical truth about aspirations across India. This is also where we have some advantage over peer countries. But they aren't sitting idle about it. In Philippines, for example, there's a proposal to ban Filipino dubbing of English-language films and TV shows to improve English proficiency. If India's political class is sincerely concerned for students, it should take up the cause of English.

Judges & GOI: A Murky Tale

The executive has always attempted to influence constitutional court appointments. Several judges have been complicit. Here's a brief history that drives home the urgency of reforming judges' appointments

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On Jan 26, 1950, the first chief justice of India took office under the new Constitution. Three days before CJI Harilal Jekisundas Kania took this oath, his comments on a Madras high court judge (Bashir Ahmed) evoked a sharp reaction from the prime minister, Nehru wrote to home minister Sardar Patel that Kania was being "unjudicial and indeed improper". Patel deputed the home secretary to convince Kania not to give an adverse opinion on Justice Bashir.

Thus, the executive's attempts to influence CJI, for appointments to constitutional courts, are as old as the Supreme Court itself. The Nehru era saw such attempts fuelling apprehensions about the dilution of judiciary's independence.

In 1958, the first law commission, led by MC Setalvad, in its 14th report put the blame primarily on chief ministers becoming a source of patronage for those aspiring to become HC judges.

Along similar lines, the second CJI M Patanjali Sastri said after retirement that marked deterioration in standards in HCs was "mainly due to unsatisfactory methods of selection that are often influenced by political and other extraneous considerations".

The seventh CJI PB Gajendragadkar objected to home minister GL Nanda's proposal for large-scale transfers of HC judges, saying it would create "great bitterness" and "uneasiness" among judges and impact the independence of judiciary.

Till 1970, the executive always appointed the senior-most among SC judges as CJI. And amidst questions about appointments to constitutional courts, every CJI's public statement was that govt had given primacy to his views.

After ego-bruising judgments in the privy purses, bank nationalisation and Kesavananda Bharati cases, a vindictive Indira Gandhi govt binned the 'senior-most' criterion. It appointed Justice AN Ray, fourth in seniority, as CJI - superseding JM Shelat, KS Hegde and AN Grover. The three self-respecting judges promptly resigned on April 25, 1973.

In a crude defence of these supersessions in Parliament, steel and mines minister S Mohan Kumaranangalam, said, "Certainly, we as a govt have a duty to

take (into consideration) the philosophy and outlook of the judge in coming to the conclusion whether he should or should not lead the Supreme Court." It was a search for judges compatible with govt. Justice Ray fit the bill.

In 1976, during the Emergency, leading lights of the apex court really capitulated to brute executive power. In the ADM Jabalpur case, they cravenly upheld the suspension of fundamental rights, including right to life. Justice HR Khanna's courageous solo dissent invited govt wrath.

When Ray retired in Jan 1977, Indira govt superseded Justice Khanna to appoint Justice MH Beg as CJI. Justice Khanna resigned. Justice Beg, who had aligned with govt's view in the Kesavananda and ADM Jabalpur cases, on retirement became director of

dabbled in politics and judgeship per party diktat.

In the 1990s, through two judgments, SC wrested back control of selecting judges, with a collegium system intended to insulate judicial appointments from executive interference.

When AS Anand was CJI (1998-2001), President KR Narayanan was very insistent about an early appointment of Justice KG Balakrishnan as an SC judge, which would have given him more than five years as CJI. Narayanan threatened not to sign warrants of appointments of judges till his wishes were fulfilled. CJI Anand held several rounds of discussion with Narayanan to mellow him down.

During CJI Anand's tenure, Justice RC Lahoti, junior to Justice YK Sabharwal in Delhi HC, was brought to SC directly - this involved a manoeuvre in which Justice Sabharwal was first sent to Bombay HC, as chief justice. Later, Sabharwal too became an SC judge and succeeded Lahoti as CJI.

Justices Dipak Misra and J Chelameswar took oath as SC judges on Oct 10, 2011. Underlying tension between them exploded in public after Misra became CJI as he had taken oath ahead of Chelameswar. The latter employed every possible method - including an infamous press conference - to attempt to dislodge Misra and become CJI.

Over the last couple of decades, many supersessions and unwarranted transfers of HC judges have taken place. Appointment of Justice JB Pardiwala as an SC judge was meant to prevent Justice Dipankar Datta from becoming CJI. Had Datta, who was senior among the two, taken oath before Pardiwala, then both would have had more than a year's tenure as CJI.

It's against this fervent backdrop that Parliament passed the National Judicial Appointments Commission Act in 2014. Its proclaimed target was to infuse transparency in the opaque appointment process of judges and to stop the 'you scratch my back, I scratch yours' phenomenon. SC, while admitting to shortcomings in the collegium system, struck NJAC down saying that it would hurt judicial independence.

There is a way both aims - maintain the primacy of judiciary in the judge-selection process and infuse transparency in this process - could be achieved. NJAC composition could be altered to comprise CJI and four most senior SC judges, law minister and an eminent jurist.



National Herald and received Padma Vibhushan. Since then, GOI has never appointed a CJI by supersession. But it continues to attempt appointing loyalists as constitutional court judges.

Post-Emergency, Janata Dal govt implemented an important change by insisting that CJI must consult his two most senior colleagues while nominating persons for judgeship, in order to broad base the assessment of merit. But even during the short-lived Janata govt, some bar bodies protested against supersession of HC judges, ostensibly to appoint the top three SC judges' favourites.

With Indira returned as PM in 1980, lengthy delays in filling vacancies in SC and HCs became common - such delays have been virtually weaponised in HC judge appointments today. The new govt's first appointment to SC in Dec 1980 was Baharul Islam, a Congressman who

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Articles Of Freedom

Court response to artworks reminds us what's constitutional

Art gallery DAG, from whose exhibition two MF Husain paintings were seized following a plea in a Delhi court alleging 'religious sentiments hurt', plans to pursue "legal remedies against complainant for false and mala fide accusations". It signals an appetite for a robust defence of art, and freedoms as enshrined in the Constitution. The court didn't allow a case to be filed, but the very fact it allowed a seizure of the paintings is the core problem. The trope of 'obscenity', coupled with 'religious sentiments hurt' are tools of individual peevish seeking state interference. Courts are guardians of people's constitutional rights. To that end,



regardless of the subject of art or its depiction, framing of any such miffed complainant's plea must be in terms of Articles 19 and 21 - fundamental rights guaranteeing freedom of expression and right to liberty unambiguous in their breadth.

Oct last, Bombay HC ordered Customs to release Souza's works, seized in 2023, saying, "Every nude painting or every painting depicting some sexual intercourse poses cannot be styled as obscene." Husain, a Padma Shri (1966), Padma Bhushan (1973) and Padma Vibhushan (1991), was forced to leave the country following death threats. The state failed to protect him. The intrinsic value of his art remains undimmed. Police found nothing to merit an FIR in DAG's exhibition of Husain's work. But the complaint survives even if the "offence" is not actionable legally.

The challenge before HCs is training subordinate courts that are quick to apply sharp narrow lines of criminal code, whether IPC or now BNS, to crack down on forms of expression - art, cinema, music, books, theatre. Subordinate courts can often be as moralistic as complainants. But courts are not private durbars. Individual moral codes must be left at the gates. Inside a courtroom, the canvas can only be that of the Constitution - Articles 19 and 21.

1 APRIL, 2028

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Don't Litigate History

RSS's Hosabale is muddying a clear position laid out by his boss Bhagwat. And SC needs to act as well

RSS senior Dattatreya Hosabale's remark that organisation members, in personal capacity, can engage with movements to "reclaim" temples/land in Kashi and Mathura is in stark contrast to organisation chief Bhagwat's call last Dec to not go looking for "temples beneath every mosque". Of course, Hosabale added that RSS would not be aligned with any such movement, that members must "avoid societal discord". Last Dec, Bhagwat was clear that it wasn't "acceptable" that "every day" a new dispute was "being raked up". Noting that people must live in harmony, he'd said "after Ram Mandir, some think they can become leaders of Hindus by raking up similar issues in new places...It cannot continue."

That India "runs per the Constitution." To that end, Hosabale's dual signalling is contradictory, not quite the "clarification" he sought it to be.



Places of
Worship
Act
1991

This makes it all the more important for Supreme Court to settle the related issue in court at the earliest. In 2021, SC allowed a challenge to the validity of the Places of Worship (Special Provisions) Act. The 1991 law was enacted to prevent conversion of religious places and maintain their "religious character" as it existed at Independence, with Ram Janmabhoomi-Babri Masjid dispute the sole exception. In its 2019 Ayodhya judgment, SC was emphatic about the legislation - that "Parliament mandated in no uncertain terms that history and its wrongs shall not be used...to oppress the present and the future."

In allowing that petition, SC unleashed a rash of attempts to "reclaim" shrines "invaded" and "encroached" upon by "fundamentalist invaders". Violence in Sambhal spurred SC's stay on "surveys" of such perceived disputes. SC must prioritise the case that's really wasteful of court time. It's dangerous to entertain grievances over acts, real or perceived, that are centuries old, and against which Parliament passed a legislation. The matter should be settled once and for all.

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July 31, 2024

P-12

Justice Under Water

Trial courts, as CJI has said, are not applying common sense in bail hearings. Fault lies largely with HCs

In Delhi's basement drowning case, a 50-year-old who drove past the tuition centre, navigating the waterlogged road, was sent to judicial custody for 14 days by Tis Hazari court. Yesterday, court reserved its order on his bail plea. The charge? That the rainwater his SUV displaced aggravated the surge. That cops arrested a passerby rather than pursue those who ignored alerts of the basement's vulnerability, or those officials who've turned away from blatant rule-breaking, says a lot. But perhaps, more extraordinary is the court's reaction. Just what is going on in the name of 'justice'? That the court opted to stay its order on the bail plea exemplifies exactly the kind of court action SC and CJI caution about.

CJI-speak | Days ago, CJI in Bengaluru said judges must have "robust common sense", that unless judges "separate the grain from the chaff in criminal jurisprudence", "just solutions" were unlikely. He said trial courts "play it safe" when they deny bail, pin-

pointing the problem to the "suspicion with which grant of relief is viewed". In 2022, CJI had said there exists a "sense of fear" among district judges that, if not sorted out, would render trial courts "toothless" and higher appellate courts "dysfunctional".



Fear & rebuke | The bottom line is, SC has no power of supervision over HCs, but HCs enjoy such power over trial courts. Trial judges are indeed apprehensive, not least of high courts' adverse

remarks and of their orders getting overturned – both of which impact their careers. Recall Kejriwal's bail, granted by a special judge, who took investigators to task in her order, saying the agency wasn't acting without bias. Delhi HC dragged out its overturning of the bail and called the trial court order "perverse". In another money laundering case early July, SC expressed its shock that Delhi HC "casually stayed" a "reasoned order granting bail", without specifying any reason. SC said, "What signals are we sending?"

Internal matter | The signals are that no-bail is trial courts' template. There's another reason for this, which SC articulated in its landmark order in Satender Kumar Antil vs CBI (2022). SC said given the "abysmally low" conviction rate in criminal cases, courts "tend to think that the possibility of conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles". In essence, denial of bail doubles as punishment. Only HCs can give trial court judges the courage to apply common sense.

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Delhi & Elsewhere

Funding cash handouts, especially the rash of schemes for women, is a recipe for fiscal emergency for states

Presenting her debut budget, Delhi CM Rekha Gupta allocated ₹5,100cr to fund women's cash scheme ₹2,500 per month - a poll promise. This is less than half of what may be required to service beneficiaries of the scheme, estimated at 38L if beneficiaries are women whose household income is less than ₹3L per annum. The budget already shows the strain of financing freebies - it includes dipping into small savings (NSSF) to the tune of ₹15k cr. Last year, Union finance ministry had frowned upon such practice, saying it disrupts the broader borrowing framework. Kejriwal had proposed it in order to continue AAP govt's welfare schemes of free electricity etc.

Fact is, all states with similar cash transfers to women are under severe financial strain. From Maharashtra's BJP-led govt to Karnataka and Telangana's Congress govts, and former AAP govt in Delhi, finances of the richest states are stressed over polltime's unrestrained largesse. It's not about breaking promises - if poll promises were kept,



India would've been 'developed' by now. The issue is far more grave - freebie culture has no winners. Funding freebies will eventually make the state broke; not servicing the promise may have electoral fallout. In Maharashtra, since June 2024, fiscal deficit has nearly doubled from ₹1.1L cr to ₹2.2L cr. The state spent ₹87k cr more than budget estimates 2024-25 - much of it to fund earlier Mahayuti govt's poll year sops. Both the women's handout scheme and the monthly stipend for jobless youth are costly affairs -

but just placebos to dull the pain of jobless youth and destitute women.

Telangana CM Revanth Reddy has admitted his state's financial crunch, that after paying salaries, pensions, debt and interest, most of the rest of the money - ₹5k cr - goes to 'welfare'. The state is left with almost nothing to spend on capex. RBI has cautioned that spend on sops could crowd out resources critical for social and economic infra. States don't have money to invest in creating public goods. Private investment is not an answer. GOI's capex levels are down. India can't upgrade unless its states invest in creating enabling economic conditions.

Kharge has called for state units to make only financially viable promises. Reddy recently called for all political parties to deliberate and arrive at a national consensus on such guarantees/freebies, in a bid to rationalise, move away from the ill-conceived practice. It is the need of the hour.

Be Your Own Devil's Advocate, Eliminate Bias

Deepak Ranade

Human brain has some rather unique features to be able to make quick decisions based on past experiences. This decision-making comes with some limitations. We are more likely to see what we expect to see, rather than what is actually there. This phenomenon is known as 'perceptual set'. It, therefore, has the potential to lead to biased, erroneous perception and subsequently wrong decisions. A familiar example is we being able to read a misspelt word correctly because our brains expect it to be spelt that way. It's a unique ability to selectively ignore what does not conform to established patterns and eliminate any confusion. The cognitive apparatus selectively mutes the discordant notes to maintain harmony of perception.

There is evidence to suggest that at any given moment, one sees only 20% of what one is seeing; 80% of what appears in our visual field is being 'generated' by our brain. Of the total inputs to the

visual cortex that integrate and mediate our vision, only 20% of neural pathways come from the eyes; 80% come from other areas of the brain, such as those in charge of memory. It is now estimated that visual perception is 80% memory and 20% input through the eyes. Sensory information is not transmitted to the brain; it comes from it. This infill, or fill-in-the-blanks, is sourced from memory and other sensory modalities and experiences.

Therefore, any decision, or chosen option that's based on our perception is strongly impacted by a well-defined phenomenon called confirmation bias.

Confirmation bias is a psychological term for the human tendency to selectively glean information that supports one's position. This causes a bias towards confirming the decision made, seeking

out only information that supports the decision.

It is a kind of self-propagating mechanism, which paradoxically focuses on factors that lend credibility to whatever position one has taken.

Decision-making is fraught with another peril - the powerful undercurrent of emotions that short-circuit reason and blur reality. A combination of cognitive bias garnished with generous

emotional toppings has often been the recipe for disastrous judgements and decisions.

Human intelligence perhaps is unique in that it can effect its own appraisal. A blessing that's ironically called 'Devil's Advocacy'. Being one's own Devil's Advocate is a discipline that

can yield rich dividends. This involves challenging and if required negating assumptions, arguments, and evidence

of the chosen option.

A stance, that the premise, decision, or option taken is wrong. One has to investigate thereafter and find inherent flaws, possible misjudgements or miscalculations. An 'autocorrection' of sorts that splits the Self into two. One that has made the decision and another that questions the former.

The kicking in of this autocorrection mechanism introduces a delay that differentiates an instinctive impulsive act from an act suffused with conscious deliberation - an ability to transcend from being merely a decision-maker to simultaneously being an unbiased observer. An independent observer is no longer subservient to presumptions and biases and has a self-indulgent ego that refuses to accept one's limitations. To err is human; to review is divine.

Eliminating cognitive bias plays a crucial role in making correct decisions. This endeavour is particularly important when making critical, irreversible, life-changing decisions.

The writer is a neurosurgeon



THE SPEAKING TREE



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Limiting democracy

Our political system ought not to become only a game of numbers

Jug Suraiya



Winston Churchill, who was far from being a PRO for liberalism, remarked that democracy was the worst form of govt, except for all the others that had been tried.

The face of democracy, the handmaid of freedom, is not unblemished by warts. And one of these warts, that of delimitation, is currently the centre of fierce controversy.

Delimitation is an exercise that allocates the number of seats in Parliament for the different states based on their population: states with larger populations get more seats and greater parliamentary representation, and a disproportionately greater say in determining national policies and priorities.

Critics of this system, which include the southern states plus West Bengal and Odisha, contend that this not only goes against the Constitutional premise of federalism, but also rewards those states that have been unable to check unbridled population growth while punishing states which, through progressive family welfare measures, have successfully stemmed the human tide of overpopulation that is fast turning India's vaunted demographic dividend from a boon to a blight.



second opinion

There are not enough jobs or other means of livelihood to cater to the burgeoning unemployment which is slamming the brakes on the country's much-touted economic growth.

The so-called 'bimaru' or less developed states - for example, Bihar - would reap the benefits of delimitation by gaining more parliamentary clout, while the more progressive states, with lower populations and better economic and social indices will, in effect, be penalised.

The crux of the controversy revolves around the fundamental interpretation of democracy, the rule of the people, by the people, and for the people. However, in a polity as vast, and as vastly diverse, as India the term 'people' does not and cannot define an undifferentiated, majoritarian mass.

Distinctions of economic status, social customs, religious beliefs, and language differ widely. Like the pieces of a jigsaw puzzle, these differences have to be put together to form a cohesive and comprehensive picture.

In such an exercise, delimitation is revealed to be in fact a limitation of democracy.

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ASK MANY Q



CONTRAPUNTO

Between flattery and admiration there
often flows a river of contempt

— MINNA ANTRIM

Don't Gag Free Speech

*SC bench says right things. But too many
courts exercise their power arbitrarily*

Three pillars of democracy – legislature, executive and judiciary – have codified powers, and police to enforce them. The fourth – media – draws strength entirely from free speech. On Monday, a Supreme Court bench of justices Abhay S Oka and Ujjal Bhuyan hammered home the importance of media freedom during a hearing. It reminded courts, especially, of the need to be tolerant of free speech, and not cry contempt on the slightest pretext. “Why should courts be touchy about some comments made against their orders...,” the bench asked.

In Jan this year, 1,45L contempt cases were pending in SC and high courts. Some of them would be against media organisations and independent journalists. And a subset of those could well be arbitrary, unfair or excessive. The 2019 Meghalaya HC order against two women journalists, holding them guilty of contempt for reporting on the perks provided to retired judges and their families, had drawn global attention. Later, SC had stayed the order.



Monday's SC hearing was about a Delhi HC order against Wikipedia that deemed criticism to be “interference in court proceedings”. But as the SC bench pointed out, judges have to take criticism in their stride – “Sometimes, someone says that you are sitting here with a pre-conceived mind or that you are not giving a proper hearing. People say things, and we have to tolerate it...Someone says we

are prejudiced. That's their opinion, but we decide on law.”

During the hearing, the bench once again emphasised the dangers of sweeping gag orders. “Courts can't pass gag orders...to tell someone to remove something just because there is some criticism of what the court has said or done is not okay,” it said. In 2022, SC refused to bar journalist Mohammed Zubair from posting on X while on bail, saying, “Gag orders have a chilling effect on the freedom of speech.” By now, this should be a well-settled point. Sadly for free speech in India, it isn't.

SC has questioned the “legality and validity” of Delhi HC's directions against Wikipedia. By pursuing this enquiry further, it could build safeguards against the arbitrary exercise of contempt powers. Perhaps, it's time for a larger Constitution bench to look into this question and answer it once and for all. As the SC bench said on Monday, “The question here is about free speech rights of media.” By extension, it's about strengthening the fourth pillar of Indian democracy.

A FasTag for scholarships? Jhunjhunu pilot shows way in easing student pain

Digi Vritti uses real-time tech to help pupils match with donors, get info on multiple scholarships

Pankaj Mishra

That cold morning on Dec 6, there was a quiet buzz at Hameeri Kalan Senior Secondary School in Jhunjhunu, Rajasthan. For the students, teachers, and parents gathered there, it wasn't an ordinary day. It felt like a festival — a scholarship festival.

Class 9 student Kajal, clutching her notebook, ran toward her mother, who had taken the morning off from her job as a daily wage worker. "Maa, mobile de na," she asked, eager and out of breath. "Kai karegi?" her mother said, handing over the phone. Kajal tapped the screen, and suddenly, her face lit up. "Ho gaya! Paisa aa gaya!" she yelled. Other students looked up and quickly ran to their par-



GRANT A WISH: (From left) Piramal Foundation's Shraddha Mishra with MNREGA worker Suman, her daughter Ronak and batchmate Kajal (in school uniform)

AJAY PIRAMAL, CHAIRMAN, PIRAMAL GROUP

Philanthropy and technology are increasingly converging to address deep systemic challenges. Digi Vritti exemplifies this synergy

ents, grabbing phones, dialing numbers, and checking messages. "Mujhe bhi SMS aaya!" (Even I got a money transfer SMS), one of them shouted. Yet another student said Rs 3,600 had been credited to their account. For the teachers, and staff of nonprofit Piramal Foundation who stood watching, it was a proud moment. "It felt like a lottery. Very often, students don't receive their scholarships even after passing out from school," says Hameeri Kalan school vice-principal Rajkamal Kataria.

In a scholarship system riddled with delays and mistrust, Digi Vritti, a small digital pilot in Jhunjhunu, Rajasthan is using real-time technology to help students get their scholarships within days, not months. Just as a FASTag gets rid of toll queues and Digi Yatra speeds up airport boarding.

For Piramal Group chairman Ajay Piramal, the Digi Vritti pilot is not just about fixing delays and inefficiencies. It's about reimagining how India delivers opportunities to its most deserving students. "The existing scholarship system faces numerous challenges. From manual verification and delays in disbursement to trust deficits among

beneficiaries, deserving students are often left without timely support," he says. Digi Vritti aims to reduce benefit delivery times from 40 weeks to under a week, using digital wallets and verifiable credentials to simplify processes and ensure transparency.

Sher Singh Rajput and Shraddha Mishra of the Piramal Foundation say two schools were chosen for the pilot, Hameeri Kalan and Bajawa Suron Ka, as both had high numbers of SC/ST and marginalised students, with less than 20% of those eligible receiving scholarships over the years. The platform — powered by the Open Network for Employment and Skill Transformation (ON-EST), part of the Open Network for Digital Commerce (ONDC) framework — connects students needing scholarships with bhamashahs (donors). "It's like Flipkart," Rajput explains. "Buyers are matched with sellers — it's as simple as that." This system could scale up to include govt scholarships in the future.

Every year, India sets aside over Rs 50,000 crore for scholarships and benefits to support marginalised communi-

ties — nearly a quarter of the population. Yet, much of this money goes unspent. A study by the Piramal Foundation highlights how endless paperwork and fragmented systems discourage students from even applying.

Most students in India must navigate multiple portals, often without reliable internet access to apply for scholarships. Aadhaar cards or caste certificates are frequently mismatched, forcing families to make repeated trips to govt offices. Besides, for every application, one must dish out between Rs 500 and Rs 1,000. "It's disheartening to get them to fill the forms as we never know when and whether at all the kids will receive the scholarship amount. Most of them have stopped applying altogether," says Kisturi, a teacher at the school who manages the process.

For MNREGA labourer Suman, every minute lost chasing paperwork for daughter Ronak's scholarship means lost wages. "I've been waiting for her scholarship since she was in Class 6. She's in Class 9 now. Last time, I spent almost Rs 1,000 on photocopies, bank visits, running from one office to another. That's what I earn in 10 days of hard work," Suman says.

Digi Vritti eliminates these pain points by making the process easy (see box). It also makes scholarships easier to understand, ensuring even small grants like exam fees or skilling courses reach the right students quickly. Verification of all documents happens directly at the school, cutting through the usual layers of bureaucracy. District block education officer Manish Kumar Chahar says the best part is that students won't have to apply repeatedly. "They'll simply get notifications about scholarships that match their eligibility and profiles," he says. Piramal sees this project as a model for broader reforms. "Philanthropy and technology are increasingly converging to address deep systemic challenges," he explains. "Digi Vritti exemplifies this synergy."

HOW IT WORKS

- > Students first create a profile, feeding in Aadhaar, income and caste certificate details on DigiLocker
- > Once profile is made, they can see list of all scholarships and choose
- > Verification of all documents happens at school
- > Donors set the criteria for scholarships they want to fund, which the platform matches with student data
- > Students get notifications about scholarships matching their profile

