

Poetry section

I am in you to feel myself

By: Parthajit Borah.

Measuring the heart confirms my age  
 The weaving dreams of emotion  
 awake me in silence,  
 the sobbing of tears surrendered  
 before the kingdom of crying.  
 The memories of feelings grow  
 too older to feel someone at heart.  
 Writing of words fail to form  
 a poem in the pages of heart.  
 Night is haunting me  
 sucking the final breath of my heart.  
 Tired dreams of pale heart flow  
 a red sea in my heart.  
 Fallen tears of eyes seek to rest  
 on the womb for a while.  
 Touching of breeze confirms  
 me to feel at someone's heart.  
 Melting emotions receive your  
 warmth to pour dreams.  
 Let me feel myself in you.

Legal

Urgent law needed to rehabilitate wrongful imprisonment

**PTI New Delhi, Dec 3:** The Delhi High Court has said there is an urgent need for a framework, preferably a law, to rehabilitate victims of wrongful prosecution and imprisonment.

A bench of justices S Muradidhar and I S Mehta noted that at present there was no statutory or legal scheme in the country to compensate those who have been wrongfully incarcerated. It directed the Law Commission to undertake a comprehensive examination of the issue and give its recommendations to the central government.

It observed that instances of acquittals by the high courts and the Supreme Court after several years of imprisonment "are not infrequent" and such persons are left to their devices "without any hope of reintegration" into society as the best years of their lives have been spent behind bars.

The court further noted that for such victims to invoke civil remedies would not be "efficacious, affordable or timely".

"There is at present in our country no statutory or legal scheme for compensating those who are wrongfully incarcerated.

"There is an urgent need, therefore, for a legal (preferably legislative) framework for providing relief and rehabilitation to victims of wrongful prosecution and incarceration," the bench said. The court's order came subsequent to a report given by an amicus curiae, a professor of Criminology and Criminal Justice from NLU Delhi, appointed by it to look into the issue of compensation for wrongful incarceration.

Recently, a bench headed by Acting Chief Justice Gita Mittal had also raised the issue of lack of compensation for inactions and omissions, including wrongful incarceration, by local authorities. The bench of the Acting Chief Justice had referred to the case of a bus conductor who was initially accused of murdering Ryan International School student Pradhman Thakur and had recently got bail.

National and International News

SIMS doctor conducts media OPD clinic

**Guwahati, Dec. 3:** The Chennai-based SIMS Hospital conducted the evening OPD clinic at Guwahati Press Club on Saturday (2 December 2017), where senior orthopaedic & spine surgeon Dr Appaji Krishnan offered free consultations to over 20 participants. Organized under the series of 'Evening with a Doctor' programs, the camp was open for the member-journalists of the press club along with their dependants. Binay Hatikakoti from SIMS Hospital assisted in conducting the weekly camp.



The next OPD clinic on December 9 will be conducted by the city-based Dispur Hospital, where the participants will get the

opportunity to check their thyroid level. Meanwhile, those had already joined in the November 25 camp and gave blood samples for testing thyroid, they can consult with the attending physician. Till date, physicians from Apollo Chennai Hospital, Manipal Bangalore Hospital, Fortis Hospital Bangalore, Medanta the Medicity Hospital, Down Town Hospital, GNRC Hospitals, Nemcare Hospital, Hayat Hospital, Ayursundra Hospital, Sun Valley Hospital, Sight First Eye-Clinic, Barthakur Clinic, Wintrobe Hospital etc have attended the evening camps.

SC says 'sorry' to litigant for 13-year delay in case

**PTI New Delhi, Dec 3:** The Supreme Court has made a candid admission and said it was "sorry" for the delay of over a decade in commencement of criminal trial due to two conflicting orders passed by a high court judge in a single day in two different but related cases. The apex court said this had created a "legal conundrum" as one order of the judge restricted further probe in the case while in the order, it allowed the investigation to go on.

The case, which was stuck in legal tangles, had reached the apex court in 2009 and the woman, who had initially lodged the complaint in 2004 against her own brothers over alleged grabbing of her shop, had now passed away and was represented by her legal representative. A bench of justices R K Agrawal and Sanjay Kishan Kaul said, "we are sorry to note that such a confusion has caused more than a decade's delay in even the criminal trial commencing" and allowed the appeals of the woman. In 2004, Shyam Lata, a resident of

Roorkee in Uttarakhand, made a written complaint to the SSP of Haridwar alleging that her two brothers forged documents and signatures and claimed she had give her shop on rent to them. A criminal case was lodged against her brothers alleging that they had prepared a fictitious rent receipt by forging the woman's signatures and left its photocopy at her house for laying a false claim of tenancy. On other hand, one of her brothers filed a civil suit seeking to restrain her from evicting him from the premises, claiming himself as a tenant of the shop on the basis of the alleged forged rent receipt.

The complaint was probed by the police and the investigating officer (IO) applied to the civil court for sending the rent receipts filed by the brother to an expert for comparison of signatures. The civil court denied the permission but modified the relief by allowing taking of photographs of the signature by a handwriting expert for the purpose of comparison. However, when the handwriting expert from the forensic laboratory of Agra reached the court to take pictures, the permission was allegedly denied by

the court. This resulted in the IO filing the final report saying in the absence of permission to get the signatures, there was no evidence to find that the signatures were forged. The woman then raised objection to the IO's final report and simultaneously challenged the denial of permission by the civil court to the handwriting expert before a sessions court. The sessions court allowed the plea of the woman and directed for sending the entire case record to the judicial magistrate, Roorkee, so that the required photographs may be taken and further investigation takes place.

The sessions court order was now challenged by the brother before the high court while parallelly the judicial magistrate where the woman had filed objections to the final report of IO, allowed her plea and directed for further probe. This order of the judicial magistrate directing the police for further probe was also challenged by the brother in the Uttarakhand High Court. Now, two petitions were before the high court which were heard simultaneously and were decided

by the judge in two separate judgements on the same date in 2006.

In one verdict, the high court modified the sessions court order and directed that the IO should be present before the civil court along with a handwriting expert on a fixed date to take photographs of the disputes as well as specimen signatures of the woman. Virtually, this order allowed the police to proceed further in the investigation.

However, in the second verdict, the high court judge set aside the order of judicial magistrate directing the police to further probe into the case. While deciding the matter, the apex court bench said that there is no doubt about the "confusing nature of contradictory orders" passed by the high court. It said that high court's first verdict allowing the handwriting expert to take picture of signatures would in "natural corollary" mean that further investigation will be carried out.

The top court held that the second verdict of the high court setting aside the order of judicial magistrate was not required at all.

Highest ceasefire violations by Pak along IB, LoC in 7 years

**PTI New Delhi, Dec 3:** Pakistan has violated the ceasefire along the International Border and the Line of Control in Jammu and Kashmir more than 720 times this year, the highest in past seven years. According to the data compiled by the Union Home Ministry, Pakistani forces have violated ceasefire 724 times along the IB

and the LoC till October in comparison to 449 times in 2016. As many as 12 civilians and 17 security personnel were killed in the firing from across the border till October, a home ministry official said quoting the data. A total of 79 civilians and 67 security personnel were also injured in the firing. The truce between India and Pakistan along the International Border, the

Line of Control and the Actual Ground Position Line in Jammu and Kashmir came into force in November 2003. India shares a 3,323-km-long border with Pakistan of which 221 km of the IB and 740 km of the LoC fall in Jammu and Kashmir. In 2016, there were 449 incidents of ceasefire violations in which 13 civilians and 13 security personnel

were killed and 83 civilians and 99 security personnel were injured. In 2014, there were 583 incidents of ceasefire violation in which 14 civilians and three security personnel were killed and 101 civilians and 28 security personnel were injured. In 2015, the number of ceasefire violations was 405; 347 in 2013, 114 in 2012, 62 in 2011 and 70 in 2010.

Delhi Hospital which declared newborn as dead gets notice from police

**New Delhi, Dec. 3:** A private hospital in Delhi has been asked by the police to be available for questioning after the hospital incorrectly declared a baby dead along with his still-born twin and handed over the bodies to the parents in plastic bags last week. The Delhi police has sent a notice to Max Hospital in north Delhi's Shalimar Bagh, asking for detailed information of the incident. Delhi Health Minister Satyendar Jain, on Saturday, said the hospital's licence can be cancelled if it is found guilty. A preliminary

report is expected to arrive by Monday evening and the health department will issue the detailed report within a week, the minister said. Chief Minister Arvind Kejriwal ordered an inquiry on Friday. The twins, born last Thursday morning at the hospital, were being taken for burial about six hours after they had been handed over to the family when their parents realized, to their complete shock, that one of the babies was squirming in its package. "They handed us both bodies wrapped like a courier package from the back door. After we travelled three km, we felt a

movement in one (bag). We ripped it open, found bits of plastic and the baby inside, breathing," said Kailash, the baby's grandfather. The surviving twin, the parents were told, needed critical medical care and had to be kept in an incubator. "The hospital said for three days it will cost Rs. 1 lakh each and after that it would cost 50,000 each day, and he had to be kept for three months," said a relative. As the family decided to go to a smaller hospital, it was told that the second baby was also dead. The family says they were not

provided a death certificate, a prerequisite while discharging bodies to families. Sources at Max Hospital have told NDTV that according to the patient folder, the baby was declared dead. The child's mother, Varsha, told NDTV, "We were made to sign an undertaking that there were no chances of survival but as long as there is a heartbeat, my son should receive medical treatment and we would bear all expenses." Max Healthcare said the doctor responsible for the blunder had been sent on leave.

RBI likely to keep interest rate on hold for 2nd time in a row

**PTI New Delhi, Dec 3:** The Reserve Bank is likely to keep the key rate unchanged on Wednesday and stay focused on inflation control as the rebound in September quarter GDP growth - after a five quarter decline - seemed to have eased pressure on it to lower rates, experts said. India Inc, however, is demanding interest rate cut to further build on positive sentiment generated by the rebound and upgrade of the country's sovereign rating by Moody's.

The Monetary Policy Committee (MPC), headed by RBI Governor Urjit Patel, will meet on December 5 and 6 for the Fifth Bi-monthly Monetary Policy Statement for 2017-18. The resolution of the MPC will be made public on December 6. In its October review, it had kept the benchmark interest rate unchanged on fears of rising inflation while lowering growth forecast to 6.7 per cent for the current fiscal. The central bank had reduced the benchmark lending rate by 0.25 percentage points to 6 per cent in August, bringing it to a 6-year low.

Bankers and experts are of the view that the RBI for the second time in a row may key repo-rate or short term lending rate unchanged as inflation trajectory is likely to remain upward in the coming months. "It's going to be a status quo. The liquidity in the system is very low, deposit rates are firming up and there are concerns about inflation," said Union Bank MD and CEO Rajkiran Rai G. Global financial services major Nomura said while lower GST rates have moderated output prices,

input cost pressures are marginally higher, which along with higher food inflation is likely to push retail inflation slightly above the RBI midpoint target of 4 per cent in November and beyond. "We expect a hawkish hold from the RBI, and policy rates to remain unchanged through 2018," it said in a report. Wholesale prices based inflation had shot up to a 6-month high of 3.59 per cent in October. The retail inflation (Consumer Price Index) for October rose to a 7-month high of 3.58 per cent.

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