

Centre leaves it to the wisdom of SC to decide validity of Section 377

Agency
New Delhi, Jul 11

The Centre today told the Supreme Court that it would leave it to the wisdom of its judges to decide on the constitutional validity of Section 377 on the issue of criminalising unnatural intercourse between two consenting adults.

A five-judge constitution bench headed by Chief Justice Dipak Misra, which is hearing a batch of petitions challenging its 2013 verdict that had re-criminalised consensual sex between two consenting adults of the same gender, was told by the Centre that it has no objection with the court dealing with the validity of this penal provision.

"We leave to the wisdom of the Court to deal with the validity of Section 377 so far as it relates to consensual

sexual acts between two adults," Additional Solicitor General Tushar Mehta, representing the Centre, told the bench at the outset of the crucial hearing which entered the second day.

The bench, which also comprised Justices R F Nariman, A M Khanwilkar, D Y Chandrachud and Indu Malhotra, said it has already made it clear yesterday that only the constitutional validity of Section 377 will be dealt with by it.

The law officer said that if the right to choose sexual partner is declared a fundamental right, then somebody may come up and say that he or she wanted to marry a sibling, which would be contrary to the laws governing marriages.

"We are not considering all these issues. One cannot judge these issues in vacuum," the bench said.

Section 377 refers to 'unnatural offences' and says whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to 10 years, and shall also be liable to pay a fine.

The apex court had yesterday commenced the crucial hearing on a clutch of petitions seeking decriminalisation of consensual sex between two adults of the same gender.

The apex court had in 2013 restored sexual relationship between persons of the same sex as a criminal offence by setting aside the 2009 Delhi High Court judgement that had held as unconstitutional section 377 of the IPC, which makes such actions between two consenting adults of same sex as a penal offence.

Assam police steps up drive to enforce COPTA

Agency
Guwahati, Jul 11

The Assam Police have started fining people for smoking in public places, selling tobacco products to minors and advertising nicotine-based items, in violation of the Cigarettes and Other Tobacco Products Act (COTPA), 2003.

As part of the drive, which was taken up by the police stations since yesterday, shop owners were also fined for selling cigarette packets with inadequate display of warnings and setting up stalls for selling tobacco products within 100 yards of schools.

Dr Ramandeep Kaur, DCP East Guwahati, said that enforcing the Act would go a long way in reducing prevalence of tobacco use among people.

"We hope this campaign will increase public awareness and help in making our public places and educational institutes tobacco-free," the DCP said.

The police action was taken under the direction of the Guwahati Commissioner of Police Hiren Chandra Nath, Kaur said.

It was being done with the objective of keeping the youth away from tobacco addiction and preventing

non-smokers from the bad effects of inhaling passive smoke, Kaur said.

The police officials who are involved in the enforcement of COPTA had participated in a training conducted by Sambandh Health Foundation (SHF) during which they had taken a pledge to support the cause of tobacco control in the state.

Assam has more than one crore tobacco users of whom 13.3 lakh are cigarette users, 18.8 lakh bidi users and 91 lakh smokeless tobacco users, SHF sources said.

Pointing out that over Rs 540 crore is spent annually for treatment of tobacco-related

diseases in Assam for persons aged between 35 years and 69 years, the SHF sources said the prevalence of tobacco has gone up from 39.3 per cent in 2010 to 48.2 per cent in 2017.

Dr Ashok Das, a cancer surgeon at B Barooah Cancer Institute (BBCI) here and patron of Voice of Tobacco Victims (VoTV) said, "The enforcement of COPTA by the police in Guwahati is commendable."

As per the Global Adult Tobacco Survey 2017 in Assam, 32.9 per cent of people above 15 years, currently smoke or use smokeless tobacco.

Chidambaram says ED on witch-hunt in Aircel-Maxis case

Agency
New Delhi, Jul 11

Senior Congress leader P Chidambaram today accused the Enforcement Directorate (ED) of carrying out a witch-hunt against him in the Aircel-Maxis case, saying he has not been named in the FIR and the allegations will be answered in court.

The former finance minister's

comments came a day after a Delhi court extended the protection from arrest granted to him and his son Karti in the case till August 7.

"In the Aircel-Maxis case, there is no FIR mentioning a scheduled offence and no public servant has been named. ED is on a witch-hunt and the allegations will be answered in Court," Chidambaram said on Twitter.

On May 30, Chidambaram had moved the court seeking protection from arrest in the case, saying all evidence in the matter appears to be documentary in nature. It is already in possession of the incumbent government and nothing is to be recovered from him, he said.

The court had earlier granted interim protection from arrest till yesterday to Karti in two

cases filed by the CBI and ED in 2011 and 2012, respectively, in the Aircel-Maxis matter arising out of the 2G spectrum cases.

The matter pertains to Foreign Investment Promotion Board (FIPB) clearance being given to the firm M/S Global Communication Holding Services Ltd for investment in Aircel. Chidambaram was finance minister at the time.

BSNL starts first internet telephony service in India

Agency
New Delhi, Jul 11

State-run telecom firm BSNL today unveiled first internet telephony service in the country that will allow users to dial any telephone number in India through its mobile app.

Now BSNL customers will be able to make calls using the company's mobile app "Wings" to any phone number in the country.

Before this, phone calls on mobile apps was possible without users of a particular app and not on telephone

numbers.

"In present competitive environment, increase in market share by BSNL is laudable. I congratulate BSNL management for internet telephony which will enable consumers to make call without SIM," Telecom Minister Manoj Sinha said after inaugurating the service. Using this service, BSNL customers will be able to make calls on any network in the country even by using BSNL wi-fi or any other service provider.

Telecom Commission, highest-decision making

body of the Department of Telecom, had allowed various companies who hold valid telecom licence, to provide app-based calling service even by using wi-fi connection.

The service provider will be required to comply with all the interception and monitoring related requirements and calls will be charged by telecom operators and all rules related to normal calls will be applicable on them.

The registration for this service will start this week and the services will be activated from July 25 onwards.

Delhi groundwater depletion a serious problem, says SC

Agency
New Delhi, Jul 11

The Supreme Court today came down heavily on the Centre, the Delhi government and their civic bodies for not taking any step to tackle the "serious problem" of groundwater depletion in the national capital.

The apex court perused the NITI Aayog's report which said that various authorities were passing the buck and shying away from their responsibility.

"You are doing nothing to reduce water consumption, there is no plan for recharge and preservation of groundwater," a bench of Justices Madan B Lokur and Deepak Gupta said.

It asked the Centre for immediate, intermediary and long term measures to check the depletion of Delhi's groundwater.

The apex court had on May 8 expressed grave concern on "over-exploitation" of groundwater in most parts of Delhi and asked the authorities to avert a crisis, saying the situation was "semi-critical".

It had perused a report filed by the Central Ground Water Board (CGWB) on the status of groundwater level in Delhi from May 2000 till May 2017 and said it indicated an "extremely sad state of affairs" and the situation was serious.

The issue of depletion of ground water had cropped up when the court was hearing a matter relating to sealing of unauthorised constructions in Delhi.

The top court is dealing with the issue related to validity of the Delhi Laws (Special Provisions) Act, 2006 and subsequent legislations which protect unauthorised construction from being sealed.

brought to book. They also put up "house on sale" boards outside their houses as a mark of protest.

The senior superintendent of

CRPF jawan killed in Naxal encounter in Jharkhand

Agency
Ranchi, Jul 11

A CRPF jawan was today killed in an encounter with Naxals in the jungles of East Singhbhum district of Jharkhand, a senior official said.

The encounter took place in Dalapani-Galudi axis of the district, he said.

The jawan belonged to the 193rd battalion of Central

Reserve Police Force (CRPF), the official said.

According to the official, a joint team of the state police and CRPF was out for operations and an exchange of fire took place at about 9 am.

The constable rank jawan of the paramilitary force sustained bullet injuries and was killed on the spot, he said. More details of the encounter are awaited, he added.

SC refuses to pass interim order on plea on reservation to SC/ST in govt jobs

Agency
New Delhi, Jul 11

The Supreme Court today refused to pass an interim order against its 2006 verdict which dealt with the application of the 'creamy layer' for reservations to SC and ST categories in government job promotions.

A bench of Chief Justice Dipak Misra and Justices A M Khanwilkar and D Y Chandrachud said a seven-judge Constitution bench is needed to consider the 2006 verdict M Nagaraj verdict.

Attorney General K K Venugopal, appearing for the Centre, said the matter should be heard urgently by a seven-judge Constitution bench as lakhs of jobs in Railways and services are stuck due to confusion over various judicial pronouncements.

The bench said one Constitution bench is already seized of various matters and the issue can only be taken up in the first week of August.

On November 15 last year, the top court had said a five-judge Constitution bench will examine the limited issue of whether the 2006 verdict delivered in M Nagaraj and other versus Union of India was required to be re-looked at or not.

The M Nagaraj verdict had said the creamy layer concept

cannot be applied to the Scheduled Castes and Scheduled Tribes for promotions in government jobs like two earlier verdicts — 1992 Indra Sawhney and others versus Union of India (popularly called Mandal Commission verdict) and 2005 E V Chinniah versus State of Andhra Pradesh — which dealt with creamy layer in the Other Backward Classes category.

However, on June 5, in a major relief to the Centre, the apex court allowed it to go ahead with reservations in promotion for employees belonging to the SC and ST category in "accordance with law".

The top court took into account the Centre's submissions that the entire process of promotions had come to a "standstill" due to the orders passed by various high courts and the apex court had also ordered for "status quo" in a similar matter in 2015.

A vacation bench of Justices Adarsh Kumar Goel and Ashok Bhushan said the Centre was not "debarred" from making promotions in accordance with law in the matter.

The government had said there were separate verdicts by the high courts of Delhi, Bombay and Punjab and Haryana on the issue of reservation in promotion to

SC/ST employees and the apex court had also passed different orders on appeals filed against those judgements.

2 police officials shifted in Nirana harassment case

Agency
Muzaffarnagar (UP), Jul 11

Two police officials have been transferred for dereliction of duty after a community in Nirana village here alleged harassment at the hands of a group of locals and threatened to leave the place, officials said today.

District Magistrate Rajive Kumar Sharma told reporters SHO (Sikheda) Vikram Singh and Sub Inspector Mahesh Kumar have been shifted in connection with the case.

He said four persons—Shehzad, Tehsin, Gaffar and Rihan—have been arrested in the case. According to police, two persons from a particular community were threatened with dire consequences by the accused during a wedding in the village on June 29.

Although a case was registered in the matter, no arrests were made. Meanwhile, the victims' families threatened to leave the village if the accused were not

Two dead in militant attack on Afghan govt office: officials

Agency
Jalalabad, Jul 11

Gunmen stormed an education department compound in Afghanistan's restive east today and were battling security forces in an ongoing attack that has left at least two people dead, officials said. Five others have been wounded in the second attack in Jalalabad city in as many days and a number of employees were trapped inside the building.

Nangarhar provincial governor spokesman Attaullah Khogyani told AFP. Security forces were trying to clear the militants from the compound and rescue the workers. It was not clear how many gunmen or employees were inside.

A security guard employed by the department was among the

dead, Khogyani said. Jalalabad health director Najibullah Kamawal confirmed five wounded people had been brought to hospital so far.

There was no immediate claim of responsibility for the raid. Nangarhar's provincial capital has seen an uptick in violence in recent weeks, with the Islamic State group claiming most of the attacks.

On Tuesday, a suicide attack in the city killed at least 12 people and ignited a nearby petrol station, with witnesses describing screaming victims "swallowed" by flames.

The bomber was targeting Afghan security forces when he blew himself up. Ten civilians were among the dead.

IS claimed that attack via its Amaq propaganda agency.

The group has claimed a series of high-casualty suicide bomb attacks in the province in recent weeks, as US and Afghan forces continue offensive operations against the group.

While the Taliban is Afghanistan's largest militant group, IS has a relatively small but potent presence, mainly in the north and east of the country. Today's attack comes a day after President Ashraf Ghani flew to Brussels to attend a NATO summit where he will be hoping to get a greater commitment from members to the nearly 17-year conflict.

Currently, there are about 14,000 US troops in Afghanistan, disrupting the main component of the NATO mission there to support and train local forces. The attack also coincides with

the start of a university entrance exam for more than 16,000 students in Jalalabad, but it was not clear if the two events were linked. The attack comes exactly a month after militants raided the education department in the city.

In that incident a suicide bomber blew himself up at the entrance to the department, triggering a fierce battle between gunmen and security forces.

At least 10 people were wounded after terrified employees jumped out of the windows.

A recent ceasefire between Afghan security forces and the Taliban during the Islamic holiday Eid had raised hopes that an end to hostilities in the war-weary country was possible.