

Abuse of anti-dowry law 498A: SC scraps earlier rule

Agency
New Delhi Sept 14,

The Supreme Court Friday scrapped its earlier direction to set up local level Committees to look into dowry harassment complaints before arrests are made saying it cannot fill in legislative gaps. The top court left it to Parliament to make suitable rules to check abuse of the law. The court said there are inbuilt remedies in Criminal Procedure to check the misuse of law, like Sec. 41A and anticipatory bail, among others. In October last year, the Supreme Court had indicated that it would revisit its earlier verdict that put an end to automatic arrests under Section 498A of the IPC, often invoked in dowry-related cases.

A bench comprising Chief Justice Dipak Misra and Justices AM Khanwilkar and DY Chandrachud had said it was "not in agreement" with the decision and "prima facie, we perceive that the guidelines may be in the legislative sphere". "At this stage, we are obligated to state that we are not in agreement with the decision rendered in *Rajesh Sharma vs State of UP*, because we are disposed to think that it really curtails the rights of the women who are harassed under Section 498A (subjecting a married woman to cruelty) of the Indian Penal Code," the bench had said. The court's earlier verdict, issued on July 27, 2017, had laid down a set of guidelines that included the setting up of family welfare committees to

vet complaints of harassment. The court was hearing a PIL filed by NGO Nyayadhar which sought sharpness in Section 498A, claiming that the otherwise "helpful instrument" in the hands of victim women had become "valueless". It had also sought a direction to include two women members in the three-member family welfare committee as suggested in earlier court order. **What is Section 498A?** Husband or relative of husband of a woman subjecting her to cruelty—Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

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New Delhi Sept 14,

Justice Ranjan Gogoi, the most senior judge in the Supreme Court after Chief Justice Dipak Misra, was appointed as the next Chief Justice of India on Thursday.

"The President of India has appointed Justice Ranjan Gogoi as the next Chief Justice of India. He will assume the office of Chief Justice on October 3, 2018 after the retirement of the current Chief Justice, Justice Dipak Misra," said a press release issued by the Prime Minister's Office.

As the 46th Chief Justice of India, Justice Gogoi will have a tenure of about 13 months, till November 17, 2019. Earlier, there was speculation on whether his name would be overlooked for the CJI's post, following the unprecedented press conference on January 12 this year, when Justice Gogoi and three colleagues — Justices J Chelameswar (since retired), Madan B Lokur and Kurian Joseph — raised questions on the CJI's allocation of cases to benches in the Supreme Court. Justice Gogoi had told reporters that "it's the discharge of a debt to the nation that has brought us here".

But CJI Misra, on September

Justice Ranjan Gogoi is next Chief Justice of India



constitutional court requires corrective measures, other than impeachment".

Currently, the bench headed by Justice Gogoi is monitoring the updation of the National Register of Citizens, intended to identify illegal migrants in Assam. He is also dealing with a plea seeking appointment of Lokpal.

At the Ramnath Goenka Memorial Lecture organised by The Indian Express in July, Justice Gogoi had said that noisy judges and independent journalists are democracy's first line of defence and a revolution, not mere reform, is needed to keep the institution of the judiciary responsive to the changes in society.

Justice Gogoi, a stickler for discipline, has taken a tough stand on the practice of filing frivolous PILs. Recently, a bench headed by him imposed a fine of Rs 25,000 on a person who filed a plea seeking guidelines on caesarean deliveries. Earlier this week, another bench headed by him dismissed two PILs, including one challenging the appointment of Vigilance Commissioner Sharad Kumar. "PIL is for those who cannot afford to come to the court. You cannot espouse somebody else's cause," Justice Gogoi told the petitioner.

4, adhered to the tradition of recommending the most senior judge after him for the high office.

The son of former Assam Chief Minister Kesab Chandra Gogoi, Justice Gogoi joined the Bar in 1978. He practised mainly in the Gauhati High Court, where he was appointed Permanent Judge on February 28, 2001. In September 2010, he was transferred to the Punjab & Haryana High Court, where he was elevated as Chief Justice on February 12, 2011. On April 23, 2012, he was elevated to the Supreme Court.

At the Supreme Court, Justice Gogoi headed the bench that directed the government to

set up special courts to fast track cases against politicians. In May this year, his bench struck down an amendment passed by the Uttar Pradesh government that allowed all former chief ministers to retain their official residences.

Justice Gogoi was also part of the seven-judge bench, which, in May 2017, held Calcutta High Court Judge C S Karnan guilty of contempt of court. In their judgment, Justices Gogoi and Chelameswar pointed out the "need to revisit the process of selection and appointment of judges to the constitutional courts", and the "need to set up appropriate legal regime to deal with situations where the conduct of a judge of a

Narendra Modi addresses Dawoodi Bohra community at Saifee mosque

Agency
New Delhi Sept 14,

Prime Minister Narendra Modi is addressing the Ashara Mubarak, Commemoration of the Martyrdom of Imam Husain (SA), organised by the Dawoodi Bohra community, in Indore. He is at the Saifee Mosque, where over one lakh people are expected to be present. Modi is also likely to have a meeting with the religious head of Dawoodi Bohra community, Syedna Mufaddal Saifuddin, who has been made a state guest by the Shivraj Singh Chouhan government. Syedna's sermons will be telecast live to more than 15 locations in and around Indore. This is the second major event



organised by the Muslim community that Modi will be participating in. In 2016 he attended the World Islamic Sufi Conference in Vigyan Bhawan, New Delhi, and his presence was objected to by

sections of Muslims, who had accused the PM of trying to divide the community. Madhya Pradesh Chief Minister Shivraj Singh Chouhan is also expected to address the Indore event.

3 NE states among 12 with high rates of child marriage & teenage pregnancy: Report

Courtesy
Assam Sept 14,

Three Northeastern states namely Tripura, Assam, and Arunachal Pradesh are among the twelve states with higher rates of child marriage higher than the national average, according to India Child Marriage and Teenage Pregnancy report of the National Commission for Protection of Child Rights (NCPCR).

On Wednesday, the report which was released found that 13 districts from Assam and Tripura among the 100 high child marriage prevalent districts in the country.

According to the report prepared based on National Family Health Survey (NFHS4), although the child marriage problem showed a declining trend since NFHS3 in 2005-06, the prevalence of child marriage among girls aged between 15 and 19 years and 20 to 24 years old was found to be 11.9 per cent and 26.8 per cent respectively.

Child marriage prevalence in rural and urban India is 14.1 per cent and 6.9 per cent respectively for the 15-19 age group and 31.5 per cent and 17.5 per cent respectively for rural and urban areas for those between 20 and 24 years of age.

The report revealed that the rate of child marriage was higher than the national average in 12 states — West Bengal (25.6 per cent), Rajasthan (16.2), Gujarat (13.1), Jharkhand (17.8), Bihar (19.7), Maharashtra (12.1), Andhra Pradesh (16.6), Assam (16.7), Tripura (21.6) and Arunachal (12.1), Telangana (12.9) and Dadar and Nagar Haveli (17.5).

"It is evident from the findings that a girl from a poor family is more likely to get married at a younger age than a girl from a wealthier family. The state-

level analysis also highlights that child marriage among girls is so entrenched in certain social groups that a substantial proportion of girls from middle and top wealth tercile households are also reported to be married before 18," said the report.

Child marriage in the three northeastern states is more prevalent than in Odisha, Jammu and Kashmir, Chattisgarh, Delhi, and Madhya Pradesh.

Education was found to be an important factor with the report stating that 30.8 per cent of uneducated girls between 15 and 19 years and 49.3 per cent in the 20 to 24 age group were found to be victims of early marriage. The coordinator of Adolescent and Child Rights Network, Chiranjeeb Kakoty, a forum of NGOs in Assam,

said lack of access to quality secondary education, lack of skill development or proper implementation of the law, lack of universal birth registration and role of religious leaders are some of the reasons. "We need a strong political will to move the agenda of child marriage prevention and take strict action against some people who are allowing child marriage by some communities," he added.

Analysis of top 100 districts with high prevalence of child marriage reveals that maximum number of districts were in Bihar (20), followed by West Bengal (14), Jharkhand (11), Rajasthan (10), Assam (9), Maharashtra (9), Madhya Pradesh (8), Gujarat (5), Tripura (4), Andhra Pradesh (3), Uttar Pradesh (3), Telangana (2), Karnataka (1) and Odisha (1).

Maharashtra court issues arrest warrant against AP CM, others in 2010 case

Agency
Maharashtra Sept 14

A court in Maharashtra has issued an arrest warrant against Andhra Pradesh Chief Minister N Chandrababu Naidu and 15 others in a 2010 case related to an agitation staged by them over the Babil project across the Godavari river. Judicial Magistrate First Class of Dharmabad in Nanded district N R Gajbhiye issued the order, directing the police to arrest all the accused and produce them in the court by September 21.

Naidu and others, then in the opposition in the united Andhra Pradesh, were arrested and lodged in a Pune jail in connection with the agitation staged by them near the Babil project site in Maharashtra, opposing it on

the ground that it would affect the people downstream.

All of them were released later, though they had not sought bail. The court order, dated July 5 and supposed to be executed by August 16 but corrected to September 21, was issued on a petition filed by a Maharashtra resident.

Besides Naidu, state Water Resources Minister Devineni Umamaheswara Rao, Social Welfare Minister N Anand Babu and former MLA G Kamalakal (who subsequently joined the Telangana Rashtra Samithi) were among the Telugu Desam Party (TDP) workers booked in the case. They have been charged with offences under the Indian Penal Code (IPC), including assault or criminal force to deter public servant from discharge of his duty,

voluntarily causing hurt by dangerous weapons or means, act endangering life or personal safety of others, criminal intimidation among others.

Naidu was the leader of opposition in the united Andhra Pradesh then and the case has been pending trial all these years.

Reacting to the news about the court order, Naidu's son and state information technology minister N Lokesh said his father and the other TDP leaders would appear in court. "He (Naidu) fought to protect the interests of Telangana. He even refused to seek bail when he was arrested," Lokesh said. The chief minister is currently camping in Tirumala, near Tirupati, attending the annual Brahmotsavam of the Lord Venkateswara temple there.

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- Editor

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