

SC refuses to refer Ayodhya land dispute case to 5-judge bench

IT News
New Delhi, Sept 27.

The Supreme Court today declined to refer to a five-judge Constitution bench the issue of reconsideration of the observations in its 1994 judgement that a mosque was not integral to Islam that arose during the hearing of Ayodhya land dispute.

In a majority verdict of 2:1, the apex court bench headed by Chief Justice Dipak Misra said the civil suit has to be decided on the basis of evidence and the previous verdict has no

relevance on it.

Justice Ashok Bhushan, who read out the judgement for himself and the CJI, said it has to find out the context in which the five-judge had delivered the 1994 judgement.

Justice S Abdul Nazeer disagreed with the two judges and said whether the mosque is integral to Islam has to be decided considering belief of religion and it requires detailed consideration.

He referred to the recent Supreme Court order on female genital mutilation and said the present matter be heard by a

larger bench.

The apex court said now the civil suit on land dispute will be heard by a newly constituted three-judge bench on October 29 as Justice Misra will retire on October 2 as the CJI.

The issue whether the mosque is integral to Islam had cropped up when the three-judge bench headed by CJI Misra was hearing the batch of appeals filed against the Allahabad High Court's 2010 verdict by which the disputed land on the Ram Jambhoomi-Babri Masjid area was divided into three parts.

Centre mulls allowing former NSCN (K) chairman Khango's return to India

Courtesy:
The North East Today
Kohima, Sep. 27.

The Centre has held meetings to discuss if Khango Konyak, former chairman of the NSCN (K), who was impeached and expelled by the Myanmar-based outfit could be allowed to enter India.

In 2015, the Union Cabinet headed by Prime Minister Narendra Modi had approved banning the NSCN (K) under the Unlawful Activities (Prevention) Act for five years.

The NSCN (K) had ousted Khango Konyak accusing him of being an Indian agent.

He had taken over as chairman of the NSCN (K) after the banned group's leader S.S. Khaplang died in June 2017 in a Yangon hospital after a prolonged illness.

Konyak, it is said, is somewhere along the Myanmar border waiting to

rejoin the Indian authorities. "A meeting was held to discuss whether Konyak should be allowed to come to India as he was associated with a banned group. We have to see if he can be of any use to the authorities in terms of reintegrating the NSCN (K)," a senior government official told The Hindu.

Yung Aung, the acting chairman of NSCN-K, is a relative of Khaplang and belongs to the Hemi Naga community, native to Myanmar. Indian agencies suspect he has close links with China.

Confirming this, Nagaland's deputy chief minister Y. Patton told The Hindu that they had sent messengers to speak to Konyak. "We are trying to bring him back to Nagaland... The problem is he has not made up his mind whether to remain with NSCN (K) or come back

and join the ceasefire. We have appealed to NSCN (K) to also join the ceasefire. Let us wait and see...we are on the job," Patton said.

"Konyak claims he has a large number of followers in NSCN (K) who are ready to desert the outfit and follow him. As per our information, he only has seven members with him. A realistic call will have to be taken on his return," the official said.

On August 16, a statement issued by the council's headquarters in Myanmar's Sagaing region — adjoining Nagaland and Arunachal Pradesh — said it had "unanimously impeached" its chairman for violating "party discipline." In 2015, militants belonging to the NSCN (K) killed 18 Army personnel in Chandel district of Manipur, following which the Indian Army carried out an operation in the bordering areas of Myanmar to destroy the extremist camps.

National rural livelihood mission giving advantage to Lucknow self help groups

By- Babie Shirin
Lucknow, Sept. 27

National Rural Livelihood Mission (NRLM)- a special scheme of the central government that aims to provide livelihood to rural people has been successfully providing income generation to several self help groups (SHG) in rural areas of Lucknow in UP.

An eight member media team from different media houses of Manipur was on a PIB sponsored tour to Lucknow, Kanpur and Jhansi in Uttar Pradesh to get firsthand experience of livelihood ventures being taken up in rural areas of the state. PIB Deputy Director Abdul Hamid was leading the team. On the first day of the field visit, the state media team interacted with a self help group called **Durga Ma Pehra Cluster Level Federation** formed under NRLM in Sorojini Nagar Block under Benti GP in Lucknow district.

During the interaction, centre in charge of SHG Arti conveyed that Sorojini Nagar Block is a village adopted by Union Home Minister Rajnath Singh. The SHG has been making solar lamps under NRLM since August 1. Raw materials for making the solar lamps are provided by



ministry of renewable energy and they began the production after undergoing a five day long training programme with technical support from IIT Mumbai. Since they took up the production work, the SHG members are now earning their livelihood comfortably. Arti further informed that cost of the solar lamp in the local market is Rs 700. However, their products are being provided to students in rural area at a subsidised rate of Rs 100. The 13 members SHG is able to produce an average of Rs300 lamps a day and they are getting a profit of Rs 12 per lamp. The SHG is targeting to produce 36,000 units of solar lamp under NRLM, she said,

while adding that not only the SHG members are getting an income generating avenue under NRLM but students are also benefiting from the scheme as they are getting the solar lamps at a normal price.

On the other hand, Tar Pir Baba, a SHG in Nijampur Malhor village, is also taking up a much similar venture in producing earthenware. From decorative items to kitchen items the SHG has been successful in exporting products to different cities like Delhi, Mumbai, Patiala. According to the SHG members they are able to earn Rs 7000 to 8000 a month since they took up ventures by forming the SHG under NRLM. The group has been

producing earthen ware at price range of Rs 1 to 2200 per unit. With an objective, to make Lucknow district a plastic free zone, the entire district has replaced disposable glass cup which cost Rs 1 per unit.

Meanwhile, NRLM Lucknow districts deputy commissioner Satish Mishra said that the government has been facilitating as many as 2500 SHGs by providing them suitable income generation ventures under NRLM. The government is providing loans to these SHGs so that they could develop their ventures and socio economic condition. Moreover NRLM authority has providing marketing and transportation facility for them.

Section 497: 3 past Supreme Court judgments on adultery law

Agency
New Delhi, Sept 27,

Adultery is no longer a crime, the Supreme Court ruled today. The judgment by a five-judge Supreme Court bench headed by Chief Justice Dipak Misra has overturned the previous three rulings on the matter.

Under Section 497 of the Indian Penal Code (IPC) Adultery was an offence and a convict could be sentenced to five-year-jail term. Section defined adultery as an offence committed by a man against a married man if the former engaged in sexual intercourse with the latter's wife.

The law had come under sharp criticism for treating women as possession of men. An Italy-based Indian businessman Joseph Shine, who hails from Kerala, filed a Public Interest Litigation (PIL) last year challenging IPC Section 497. He contended that the law is discriminatory.

Section 497 reads: "Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery."

Section 497 used to be read with CrP Section 198(2) in the matters of prosecution for offences against marriage. The combined reading of the adultery laws allowed the aggrieved husband of the married woman in adulterous relationship to file a complaint. But same right was not available to an aggrieved wife if her husband was

found to be in an adulterous relationship.

First Supreme Court Judgment

The adultery law first came under challenge in 1951 in the Yusuf Aziz versus State of Bombay case. Petitioner contended that the adultery law violated the fundamental right of equality guaranteed under Articles 14 and 15 of the Constitution.

The dominant argument in the court hearing was that Section 497, governing adultery law, discriminated against men by not making women equally culpable in an adulterous relationship. It was also argued that adultery law gave a license to women to commit the crime.

Three years later in 1954, the Supreme Court ruled that Section 497 was valid. It held that Section 497 did not give a license to women to commit adultery. The judgment said that making a special provision for women to escape culpability was constitutionally valid under Article 15(3) that allows such a law.

Moreover, in an interesting observation, the Supreme Court said in the judgment that "it is commonly accepted that it is the man who is the seducer, and not the woman." The Supreme Court stated that women could only be a victim of adultery and not a perpetrator of the crime under Section 497.

The argument was made to reject the contention that the adultery law was discriminatory against men. However, despite declaring women as "victim only" in the occurrence of the crime of adultery, the court did not allow them to file a complaint.

Second Supreme Court Judgment

The next important judgment regarding adultery law under Section 497 came in *Sowmithri Vishnu versus Union of India* case of 1985. The Centre has cited this judgment in its 2018- affidavit to back Section 497 of the IPC.

In *Sowmithri Vishnu* case, the Supreme Court held that women need not be included as an aggrieved party in the name of making the law even handed. It also explained as to why women should not be involved in prosecution in the cases of adultery.

The Supreme Court held that men were not allowed to prosecute their wives for the offence of adultery in order to protect the sanctity of marriage. For the same reason, women could not be allowed to prosecute their husbands.

The judgment retained the offence of adultery as a crime committed by a man against another man.

The Supreme Court also rejected the argument that unmarried women should be brought under the purview of the adultery law. The argument was that if an unmarried man establishes adulterous relationship with a married woman, he is liable for punishment, but if an unmarried woman engages in a sexual intercourse with a married man, she would not be held culpable for the offence of adultery, even though both disturb the sanctity of marriage.

The Supreme Court held that bringing such an unmarried woman in the ambit of adultery law under Section 497 would mean a crusade by a woman against another woman. The ambiguity related to adultery law remained

unresolved.

Third Supreme Court Judgment

In the next big case—*V Revathy versus Union of India* of 1988—on adultery law, the Supreme Court held that not including women in prosecution of adultery cases promoted "social good". It offered the couple a chance to "make up" and keep the sanctity of marriage intact.

The Supreme Court observed that adultery law was a "shield rather than a sword". The court ruled that the existing adultery law did not infringe upon any constitutional provision by restricting the ambit of Section 497 to men.

Besides the three Supreme Court judgments, there were two more important legal views in connection with adultery law. The Law Commission of India Report of 1971 (42nd report) and the Malimath Committee on Criminal Law Reforms of 2003 recommended amendment to the adultery law. Both argued to make Section 497 of the IPC gender neutral.

Trivia: The Supreme Court bench that dismissed a plea challenging Section 497 had Justice YV Chandrachud on it. Current Supreme Court bench hearing the adultery law case had his son Justice DY Chandrachud on it.

It was Justice DY Chandrachud, who made the observation that women could not be treated as commodity by leaving them to the discretion of their husbands in giving consent in matters of adultery. The Supreme Court said in August this year that Section 497 as anti-women to dismiss the argument that the adultery law discriminated against men.

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LAMYANBA IRABOT NINGSING TILABUM
1st Sept. to 30th Sept. 2018
Lamyamba Irabot-ki Likam-na Yaikare
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Manipur Proletariat Peoples Democratic Union - MPPDU
Socialist Students Union of Manipur - SSUM
Proletarian Feminist Movement, Manipur - PofM
Socialist Women Association - SWA Manipur

