

Review plea by 21 parties to verify more VVPAT votes rejected by Supreme Court in 60 secs

Agency New Delhi May 7,
The Supreme Court on Tuesday dismissed a review petition filed by 21 opposition parties seeking verification of 50 per cent EVMs and VVPAT machines during counting of Lok Sabha election votes scheduled for May 23. In the hearing that lasted barely a minute, Chief Justice Ranjan Gogoi said, "We will not review

our order." Citing issues with electronic voting machines (EVM) in the first few phases of polling for the Lok Sabha election, 21 opposition parties had filed a review petition in the Supreme Court demanding verification of 50% EVMs using voter-verified paper audit trail (VVPAT) slips. The petition claimed that after the first phase of polling, in many cases, EVMs were found to be defective and faulty. "It has been

reported that in some cases where voters would vote for one party, EVMs would record their vote having been cast for another party," the review petition said. The Election Commission of India (EC) has consistently maintained that the glitches experienced in the first three phases of the seven-phase election are within acceptable limits in terms of number of defects.

Agency New Delhi May 7,

CBI has conducted a polygraph test, popularly known as a lie-detector test, on the complainant and an accused in its case against the agency's former special director Rakesh Asthana registered on October 15 last year.

A Central Bureau of Investigation official familiar with the developments said the lie-detector test on Hyderabad-based businessman Satish Sana Babu has been conducted to ascertain if he had lied about paying a bribe worth around Rs 3 crore to Dubai based brothers - Manoj Prasad and Somesh Prasad - on behalf of Asthana. The bribe was allegedly paid to protect him in a probe the agency had registered in 2016 against controversial meat exporter Moin Qureshi, as alleged in the first information report (FIR) registered on his complaint.

The agency also conducted the lie-detector test on Somesh Prasad. Manoj Prasad, who was arrested by the CBI and is now out on bail, had refused to give consent for a polygraph test. The CBI officer asserted that the polygraph test had become necessary since the allegations were serious in nature and Sana

CBI conducts lie-detector test on complainant and accused



had given specific details of his alleged meetings and conversations with the Prasad brothers from 2017.

The Central Vigilance Commission (CVC) had also recorded Sana's statement during which he went back from some of the claims so the federal probe agency recently asked to verify them, said a second CBI officer requesting anonymity. Subsequently, the officer added, CBI wanted to know how Sana met another officer of the agency in the first week of October 2018 and went to a Delhi district court to record the statement under section 164 of Criminal Procedure Code (CrPC) before a magistrate recording his allegations against Asthana.

The CBI has already questioned Sana a couple of times in the case. It has also

recently sent a request to the UAE seeking information on Manoj and Somesh Prasad, as the alleged crime originated there according to Sana's allegations in the FIR.

Sana had claimed the Prasads promised him immunity in Moin Qureshi case through "good connections" in the CBI. According to Sana, he met them in Dubai and also allegedly paid initial bribes there.

Sana had been summoned by CBI's deputy superintendent of police Devender Kumar, who was investigating the Moin Qureshi case, on October 9, 2018. However, he became a CBI complainant by October 15, 2018, and filed a case against Asthana. Kumar worked in a team led by Asthana in CBI last year and was named along with the 1984 batch Gujarat cadre IPS officer in the FIR.

Asthana had contested the FIR in Delhi high court, saying it was fabricated to 'falsely implicate' him but the court allowed the agency to continue with the investigation. The agency, in a recent hearing, asked for six months' time to complete the probe.

It was after the registration of this FIR that an ugly feud between the then CBI director Alok Verma and Asthana came out in the public last year. CVC has inquired into the counter-allegations of both the officers and recommended Verma's removal from the agency. A high-powered committee led by Prime Minister Narendra Modi, after getting a go-ahead from the Supreme Court, removed Verma on January 10, 20 days before the last day of his tenure.

Supreme Court Justices declare in one voice: CJI is innocent

Agency New Delhi May 7,

A three-member in-house committee of Supreme Court judges led by justice SA Bobde on Monday unanimously cleared Chief Justice of India (CJI) Ranjan Gogoi of sexual harassment charges levelled by a former court employee, in a decision that was criticised by several leading lawyers for its lack of transparency and process.

The proceedings were ex parte (without the party concerned) after the complainant walked out of her third meeting with the panel citing lack of procedure. The committee submitted its report to justice Arun Mishra, but refused to share its findings with even the complainant. It also cited a 2003 judgement in a case filed by lawyer Indira Jaising seeking the report of an in-house committee that looked into allegations of sexual harassment against judges of the Karnataka High Court.

Jaising said on Monday that the judgment was before the Right to Information Act and "cannot have any application in today's time".

The complainant, who said she was disappointed and dejected by the report, has said she will decide on her next step after consulting her legal advisors.

According to people familiar with the matter in the Supreme Court who spoke on condition of anonymity, justice Mishra will now decide whether the report should be placed before the full court as the committee was set up by a full court's approval. The report was submitted to him because he is the senior most judge to whom it can be (see box).

In a statement, the secretary general of the Supreme Court said: "The in-house committee (of Justice SA Bobde, Justice Indira Banerjee and Justice Indu Malhotra) has submitted its report dated 5.5.2019, in accordance with the in-house procedure, to the next senior judge competent to receive the report and also sent a copy to the judge concerned, namely, the Chief Justice of India."

Justifying its stand on not making the report public, the statement by the secretary general's office said, "The in-house committee has found no substance in the allegations contained in the complaint dated, 19.4.2019 of a former employee of the Supreme Court of India. Please take note that in the case of Indira Jaising v. Supreme Court of India and others (2003), it has been held that the report of the committee constituted as a part of the in-house procedure is not liable to be made public." Reacting to the committee's findings, the complainant said in

a statement that she was disappointed and dejected. "I am highly disappointed and dejected to learn that the In-House Committee 'has found no substance' in my complaint and feel that gross injustice has been done to me as a woman citizen of India. I am now extremely scared and terrified because the In-House Committee, despite having all material placed before them, appears to have given me no justice or protection and said nothing about the absolutely mala fide dismissals and suspensions, indignities and humiliations suffered by me and my family. I and my family members remain vulnerable to the ongoing reprisals and attack," she said.

Hindustan Times has learnt that the three-member committee looked only into sexual harassment allegations and did not go into the merits of the disciplinary action taken by the Supreme Court against the complainant. The woman was dismissed in December 2018 and she has claimed this was part of the harassment she faced.

HT also learns that the panel has said in its findings that before April 19, when she wrote to 22 judges of the court, the complainant did not raise the allegation of sexual harassment or victimisation despite having an opportunity to do so when she challenged the disciplinary action in December 2018.

The panel has said the woman can avail the remedy of a statutory appeal against her dismissal and if she does so the appropriate forum will look into it. She was removed from service on account of insubordination after the woman was moved out of the CJI's home office to a different department in the Supreme Court premises. No merit was found by the committee in the allegations of harassment and subsequent victimisation of the complainant and her family members, including her arrest in a cheating case and the suspension of her husband and brother-in-law who work as a Delhi police constable, at the instance of the CJI.

The committee in its report has also recorded that despite material being presented against the complainant, it has not relied on it as the same was given after she walked out of the inquiry proceedings on April 30, and could not be confronted with the evidence.

With regard to alleged police excesses against the complainant's family, the panel has concluded that all the members were booked in criminal cases prior to the alleged incident. An FIR was filed against the complainant in 2011 and 2012 and the one against the husband was lodged in 2015.

In her allegations, the

complainant has asserted that her husband was suspended in connection with a 2018 case only in December 2018 which was a part of the victimization effort led by the Chief Justice.

The people familiar with the matter said a letter written by Supreme Court Judge Justice DY Chandrachud demanding an external member - preferably a retired woman Supreme Court judge - on the probe panel, was not accepted.

The committee members felt that as per the procedure of in-house inquiry laid down in 1999, legal assistance is not envisaged. The complainant has also criticised the panel for adopting a non-transparent procedure. She said, "From the media I have learnt that the CJI was perhaps called by the committee for his version. However I am not aware whether any of the other persons named in my complaint who would have knowledge of matters mentioned in the complaint, especially my victimisation, were called by the committee for their evidence."

Some lawyers say the committee could have been more transparent. Senior Advocate Sanjay Hegde said: "The complainant walked out and the inquiry proceeded ex parte. The enquiry committee cannot compel her participation. Yet it proceeded, rendered an ex parte finding, and it's report while legally defensible, will still remain wanting in public perception. The independence of the judiciary, rests on public trust and public trust is not maintained by one-sided inquiries."

Senior advocate Gopal Sankarnarayan added: "The procedure adopted has had questions raised about it for more than a week now, and the concerns of the bar associations and stake holders in the court have not been appropriately addressed. It would be incumbent that a methodology be followed that is consistent with sexual harassment law and due process be applied that protects both the accuser and the accused in a truly transparent manner."

The committee had its defenders too. Senior advocate Aishwarya Bhatti said: "My view is that the committee has submitted its report after following procedure laid down in law. This committee comprised of the second senior most judge of the court, who will also go on to become the CJI and two eminent sitting women judges. I think it is best now to leave things. It is now for the next senior most judge who receives the report to consider it and decide if more needs to be done."

EVMs, VVPATs found in Bihar hotel during polling, inquiry ordered

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Even as the fifth phase of the Lok Sabha elections was underway, a controversy of sorts erupted when 2 balloting

units, a control unit and 2 VVPAT machines were found from a hotel in Bihar's Muzaffarpur on Monday. Voting was held in Muzaffarpur on May 6.

District Magistrate Alok Ranjan Ghosh said that the

machines recovered from the hotel were reserved machines that were to be used in case any faulty machines needed to be replaced.

"Sector officer was given some reserved machines so

that it could be replaced with faulty ones. After replacing EVMs he was left with 2 balloting unit, 1 control unit and 2 VVPAT in his car," Ghosh was quoted as saying by news agency ANI. He said that a departmental investigation would be conducted into the incident.

"He shouldn't have unloaded the machines in the hotel which is against rules. Since he has violated an departmental investigation will be done," he said. On Monday, five seats in Bihar went to vote. These included Muzaffarpur, Madhubani, Saran, Hajipur and Sitamarhi.

The counting of votes will take place on May 23.

Apple, Google take down 3 dating apps targeting kids

Agency Washington May 7,

Apple and Google have removed three dating apps from their online stores after the US Federal Trade Commission (FTC) alleged the apps allowed kids as young as 12 to access them.

In a recent letter, the FTC warned Ukraine-based Wildec LLC, which operates the apps Meet24, FastMeet, and Meet4U, that the three dating apps appeared to be in violation of the Children's Online Privacy Protection Act (COPPA) and the FTC Act.

"The apps have been removed from the app stores until they address the alleged violations outlined by the FTC," the commission said on Monday. The dating apps collected users' birth dates, email addresses, photographs and real-time location data.

While the three apps claimed in their privacy policies to prohibit users under the age of 13, the apps failed to block users who indicated they were under 13 from using the apps and from being contacted by other users of the apps. In its review of the apps, FTC staff found users who indicated they were as young as 12.

"Allowing adult users to communicate with children poses a serious health and safety risk. Several individuals have reportedly faced criminal charges for allegedly

contacting or attempting to contact minors using Wildec's apps," said FTC.

The FTC's COPPA Rule requires companies collecting personal information from children under the age of 13 to post clear privacy policies

and to notify parents and get their verifiable consent before collecting, using, or sharing personal information from a child.

The FTC also issued a consumer alert for parents about the dating apps

Correction

I, Md. Riya Khan, DOB 01-01-1975 S/o (L) Md. Khan. Kasim Ali, a resident of Khabeisoi Sabal Leikai, P.O. Lamlong, P.S. Heigang, Imphal East District, Manipur - 795010 (India), do hereby take oath and solemnly affirm as follows:-

1. That I am at present serving as Habildar having Regimental No. G/3500534W in the Unit 35 BN, Assam Rifles, C/o 99APO.
2. That due to bonafide mistake I have already entered my family members list erroneously and with incomplete details as following in my service record excluding me.

Sl.No.	Name	Relationship	DOB
1.	SMT Taj Begam	Wife	19-07/1976
2.	Miss Mumtaj	Daughter	04-03/1997
3.	Miss Ramina	Daughter	09-05/1998
4.	Miss Rahamani	Daughter	03-03/2011
5.	Nawaz	Son	17-09-2001
6.	Abaz Khan	Son	07-12-2003

3. That however the standard, actual & complete details of my family members will be as follows:

Sl.No.	Name	Relationship	DOB
1.	SMT Taj Begam	Wife	16-02-1975
2.	Miss Mumtaz	Daughter	02-02-1997
3.	Miss Ramina	Daughter	17-06-1999
4.	Miss Rahamani	Daughter	03-02-2002
5.	Md Nawaz Khan	Son	06-02-2001
6.	Md Abaz Khan	Son	07-12-2008

As such I desire for rectify family details in previous connected service records according ly to avoid any further complicity.

Sd/-
Md. Riya Khan