

'Nyay Darshan' Publication

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Our Rights



Danger of vigilantism: Vigilantes operating beyond realm of law



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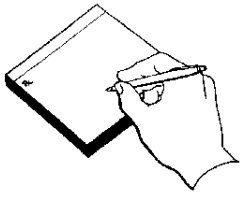


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Editorial

Danger of vigilantism: Vigilantes operating beyond realm of law

In July 2016, a group of gau rakshaks flogged Dalits in Una. A year earlier, in September 2015, Mohammad Akhlaq was lynched at Dadri on the suspicion of storing beef. Two weeks ago gau rakshaks attacked a group of men on national highway 8 in the Behror area of Alwar. A *Hindu Yuva Vahini* (HYV) an organisation founded by CM Yogi Adityanath is accused of attacking meat eaters or cow killers. ‘Love jihad’ has become another bogey that’s a convenient cover for vigilante assault on minorities and on individual rights. Last week over zealous members of HYC appear to have barged into a private home and dragged out a couple, because they thought it was a case of ‘love jihad’ in Western UP’s Meerut district. Few days ago police disrupted a church event attended by over 100 people, including American tourists, after HYV alleged religious conversion was being carried out in eastern UP’s Maharajgang district. Some politicians and state laws are giving protection to these groups. We cannot afford to have such violent incidents by anti-social elements.

Speaking at a public event in August 2016, “Prime Minister Narendra Modi has condemned cow vigilantism. “They are anti-social elements who had set up shop in the name of the cow,” he said. Now these anti-social elements are using *gau raksha* as a cover for taking the law into their own hands against Muslims or Dalits and murdering people.



Some people in India – adore animals as gods and ready to murder their helpless brethren (children of Bharat Matha) in the name of vigilantism, what sort of religious belief is it?

If not checked in time such vigilantism can destroy communal harmony and ‘*Subka Vikas*’. They must be told that their duty is only to inform the police or state authorities responsible for maintaining law and order.

State governments must be held responsible for the violent and illegal actions of vigilantes. The government at the Centre and in the state must accept the enormity of the outrage and guilty must be brought to book. In keeping up with the principles of constitutional democracy, action should be taken in accordance with the law against vigilantes of any kind. It is a must if India is to have a semblance of good governance. If in one place an administration is seen to be either passive or supportive of any sort of vigilantism it will stoke similar fires elsewhere in the country.

The menace caused by the so called vigilantes is spreading fast to every nook and corner of the country and is creating disharmony among various communities. These groups are operating beyond the realm of law and are known to take state laws into their hands. They must be banned by courts for taking the law into their hands and unleashing mob violence against innocent people. For that the constitutional validity of some of the state laws enacted to give protection to animals (cows & cattles) must be challenged, because these laws and rules under them give protection to vigilantes though they are not acting in good faith. The constitutional courts must give directions to various State governments as well as the Centre to take appropriate actions against the vigilantes, who are spreading violence and committing atrocities among communities and castes.

The NHRC (National Human Rights Commission) must send notices to State governments and the home ministry to see what steps are being taken to deal with such incidents of human rights violations.

If cow vigilantes are serious about cow welfare they must be encouraged to buy un-productive cows from farmers and provide them food and shelter using resources mobilised from voluntary donors and cow lovers and not from tax payers.

If vigilantism is not controlled by State governments criminal elements close to politicians and goons associated with the ruling party will run parallel administration. To uphold the rule of law and to work for ‘*subka vikas*’ governments need to clamp down on thuggery of political operatives and self – styled moral guardians.

-

P. D. Mathew, S. J.

(Advocate)

Delete Freebies

(Salaries and allowances for former lawmakers must be at par with the rest of India)

- The Supreme Court has welcome decision to examine whether pensions and allowances like unlimited free train travel should be given to former MPs and MLAs.
- The court has said, rightly, that such facilities given to our lawmakers must be reasonable and not arbitrary.
- Salaries and allowances of our lawmakers are a cause of concern as they decide their own pay hikes.
- After giving themselves a 300% hike in 2010, a parliamentary panel last year recommended a 100% hike in the salaries of MPs. As lawmakers freely help themselves to taxpayers' money, there isn't any limit to how much they want.
- As per the current status of the Salary, Allowances and Pension of Members of Parliament Act every former MP, irrespective of the period for which he has served, is entitled to travel in air-conditioned two-tier class with a companion, or alone in air-conditioned first class, without payment of any charges for life.
- In addition, a 2014 RTI application revealed that former MPs are also entitled to receive pension as ex-MLAs because the Central Pension Accounting Office in the finance ministry does not have any mechanism to keep track. This is a lopsided arrangement playing ducks and drakes with taxpayers' money.
- The government should create a professional and transparent mechanism for determining salaries and allowances which should be linked to parliamentarians' productivity, tenure and overall GDP growth.
- Not only must the proposed Emoluments Commission which will recommend salaries and other allowances for MPs be constituted quickly, its independence must be assured.
- This is the only way to build trust in our public institutions, even as the average taxpayer feels assured he is not shortchanged when he pays his tax.

(Editorial, The Times of India, 23/03/2017)

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India needs police reform to maintain law and order

- Q. Has the Central Government taken some measures since the devastating attack in Mumbai, to strengthen the counter – terror architecture of the State?**
- A.** Yes, but much remains to be done. At the grassroots level, the inherent weaknesses of the state police remain. The thana police, which is the first responder to a terrorist act, continues to be in a dismal state.



Q. What is the concept of SMART Police of PM. Modi?

A. Police would be strict and sensitive, modern and mobile, alert and accountable, reliable and responsible, tech-savy and trained.

Q. Has his concept of police been realised?

A. Not yet.

Q. Why is police administration not renewed?

A. Police is a state subject and that the decline is essentially because the state political leadership is not prepared to relax its stranglehold over the police.

Q. Have the states complied with Supreme Court directions on police reform?

A. No. The Supreme Court's directions on police reforms have not been complied with in letter and spirit by any State. Seventeen states have enacted laws to legitimise the status quo and circumvent the implementation of the Court's directions. The remaining states have passed executive orders which dilute or amend the SC's directions.

Q. How did the Central Government respond to the Supreme Court's directions in police reforms?

A. In 2006, when the SC gave its landmark judgment on police reforms, it was expected that the Government of India would enact the Model Police Act which had been drafted by a committee headed by Soli Sorabjee. The States would possibly have followed the Centre's example. Besides, Article 252 of the Constitution gives Parliament the power to legislate for two or more states by consent. It states that such an Act shall apply to the consenting states and to any other states by which it is adopted through a resolution passed by the legislatures of those States. Nothing of the kind was even attempted by the previous government. As a result, we are confronted with an anomalous situation.

Q. What is the difference in Police administration now and during the British?

A. The British had one Police Act for the entire country while we have different Acts for different States.

Q. What is suggested for police reform?

A. Bring the police/public order in the Concurrent List of the Constitution, or declare certain crimes as "federal" and entrust their investigation to a Central agency. This would be in keeping with the recommendations of the Second Administrative Reforms Commission.

Q. What are the other measures to be undertaken?

- A.
- Fill up the vacancies (half a million) of policemen in India and provide employment for many.
 - Give telephone and wireless set to all polices stations.
 - Provide them forensic facilities and mobile laboratories.
 - Give family accommodation to all police personnel.
 - Regulate the working hours of policemen.

Political parties, government agencies and civil society must do their best to stop pollution that destroys people's health

Q. Who must be alert to curb pollution?

A. Government and Central Pollution Control Board (CPCB)

Q. Are they doing their duties effectively as watch dogs?

A. No.

Q. What was the admonition given by the Supreme Court to CPCB in Nov 2016?

A. That CPCB is “Sluggish” in responding to the pollution – crisis.

Q. What was the criticism of the Delhi High Court made against the Delhi Government regarding pollution?

A. That “the enactment by government authorities to curb pollution in Delhi was like genocide”. The courts have pulled up government and environment agencies several times.

Q. How did the Supreme Court describe Delhi last year?

A. “A gas chamber”.

Q. What was the response of the government?

A. It failed miserably to check the city's pollution: same is true about other states.

Q. What did the Supreme Court ask the Gujarat government in May 2016 when workers died of silicosis while labouring in the stone crushing industry?

A. It asked the Gujarat government to pay them compensation. It also pulled up the CPCB for being tardy in regulation hazardous industries.

Q. Does the problem of pollution receive enough attention?

A. No. It receives attention only when it becomes an emergency.

Q. Does India have many laws to prevent pollution and environmental pollution?

A. Yes. India has an Environmental Protection Act and Air, Water and Wild Life Protection Act. But pollution has not become part of mainstream political discourse.

Q. What do our environmental agencies and governments require to prevent pollution?

A. Creative thinking and political will. Pollution has to become a part of the main stream political discourse.

Q. How is the general thrust towards pollution?

A. It is seen as a minor problem, an individual violation or series of disparate episodes.



Q. Should prevention of pollution become one of the manifestos of political parties?

A. Yes.

Q. What is the role of civil society in this matter?

A. Civil society must become active partner with other agencies in taking measures to prevent pollution that can affect people's health and productivity.

Politicians pleasing gods with gold

Q. Who has offered gold to please god in Thelangana?

A. K. Chandrasekhar Rao, the Chief Minister of Thelangana.

Q. Whose money was used for it?

A. Public money (Tax payer's money)

Q. How much money was taken from the government exchequer for buying gold ornaments for Lord Venketteswara at Thirumala Thirupathi?

A. 5.59 crores of rupees.

Q. Does this action of the CM Rao violate the principles of the Constitution of India?

A. Yes.

Q. How?

A. As CM he has taken an oath on the Constitution of India to follow its secular values and principles.

Q. Why has he offered gold to gods?

A. For realising his dream of establishing separate Thelangana State.

Q. Had any government ever presented gold ornaments to gods?

A. No.

Q. How many people have sacrificed their lives in Thelangana region for creating a new State?

A. 1500 people including 369 students

Q. Why did they sacrifice their lives?

A. For a bright future for the people of Thelangana.

Q. What is the accusation against Rao?

- A.
- That he forgot the sacrifices of the people and focusing on his personal ambition and whims and fancies.
 - That power is corrupting Rao absolutely.
 - That he is squandering state finances to fulfill his whims and fancies while the people are starving.

Q. What is the mania of some political leaders today?

A. Squandering public money on erecting statues to appease a particular sections of society and create vote bank.

Q. How much money was spent by Maharashtra government to erect a statue of 17th century Hindu warrior king Chhatrapati Shivaji?

A. 3600 crore rupees or \$530 million. At 190 meters, it will be twice the height of America's Statue of Liberty and 40 meters taller than the world's current tallest memorial – a statue of Buddha in China.

Q. Is erecting gigantic statues to honour the historical figures a wise idea?

A. It is an unwise idea. But motivating people to follow the noble values of the historical figures is the best way to honour them. Youth must be given biographies of these historical figures at a concessional rate.

Q. In a secular State can governments show special relations of favours to particular religious group?

A. No. They must play a neutral role and they must not favour or disfavour any particular religion.

Q. What spirit is violated by KCR by spreading crores of rupees from the government exchequer for offering gold to the favourite deities of a particular religion?

A. The spirit of the Indian Constitution.

Q. Can a politician or government authority misuse public money to fulfill his personal vow to gods?

A. No.

Q. What is the duty imposed by the Constitution on every citizen under Article 51A?

A. To create in the people of India “a scientific temper, humanism and the spirit of inquiry and reform”.

Q. Will appeasing gods by offering gold create scientific temper in the people?

A. No. It will only fuel superstitions in the people.

Q. Should people protest abuse of power for personal gain?

A. Yes. People must criticise leaders when they abuse power for self interest and keep them accountable and responsible.

Q. How to keep democracy vibrant?

A. Eternal vigil by the people. The paucity and indifference of the people make leaders equisetic, arrogant and insensitive.

Q. What can prevent manipulation and psychological blackmail of people?

A. Education on secular democracy and constitutional principles.

Q. Is it true that a powerful group is trying to subvert secular democracy and introduce theocratic form of government in the country?

A. It is very true.

Q. What should be done to prevent the country slowly slipping into theocracy?

- A. • Teach school students about secular or pluralistic democracy.
- Encourage them to debate on various issues affecting the country and functioning of secular democracy.

New Passport Norms announced by The Ministry of External Affairs on 02/12/2016

- Online passport application forms now require applicants to provide the name of father or mother or legal guardian, i.e., only one parent and not both. This would also enable single parents to apply for passports for their children.
- Passport application forms do not require applicants to provide names of spouses in case of separation or divorce. Such applicants would not be required to provide the divorce decree.
- Married applicants would not be required to provide marriage certificates.
- Orphaned children who do not have any proof of “Date of Birth”, such as birth certificate or the matriculation certificate or a court order, may now submit a declaration given by the head of the orphanage/child care home on the official letterhead of the organisation confirming the date.
- For adopted children within India, submission of registered adoption deeds would no longer be required. Applicants may instead submit declarations on plain paper confirming the adoption.
- Various annexures required to be submitted by applicants would now be in the form of self – declarations on plain paper. No attestation/swearing by/before any notary/executive magistrate/first class judicial magistrate would be necessary.
- Sadhus or sanyasis can apply for passports with the names of their spiritual gurus mentioned in the application in lieu of their biological parents’ name, subject to their providing at least one government document such as Election Photo Identity Card (EPIC), PAN card, Aadhaar Card, etc., where the name of the gurus are recorded in the column for the parents’ names.
- Government employees, who are not able to obtain the Identity Certificate or No-Objection Certificate from their employer and need to get passports on an urgent basis, can now get them by submitting a self-declaration that they had provided prior intimation letter to their employers about applying for an ordinary passport.



- In another significant change, the government has also eased the requirement of date of birth certificates for those born after October 26, 1989.
- As per existing Passport Rules, 1980, all applicants born on or after 26/01/1989 had to mandatorily submit birth certificates as the proof of date of birth to obtain passports.
- The government said that applicants can submit any one of the following documents as the proof of date of birth while submitting the application:
- Birth certificate issued by the registrar of births and deaths or the municipal corporation or any other prescribed authority.
- Transfer/school leaving/matriculation certificate issued by the school last attended/recognised educational board containing the date of birth.
- PAN card issued by Income Tax Department with the date of birth of applicant.
- Aadhaar card/E-Aadhaar with date of birth.
- Copy of the extract of applicants' service record for government employees or pay pension order for retired government employees duly attested/certified by the officer/in-charge of the administration of the concerned ministry/department of the applicant, having the date of birth.
- Driving licence.
- Election Photo Identity Card (EPIC).
- Policy bond issued by public life insurance corporations/companies.

(Indian Express, 24/12/2016)

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People cannot file PILs to settle personal scores

(Bombay High Court)

Facts of the case

- The Bombay High Court dismissed a Public Interest Litigation with exemplary costs of Rs. 5 lakh after holding that it cannot be used to set personal scores.

Rulings of the court

- A Public Interest Litigation cannot be a camouflage to foster personal dispute. Such petitions are to be thrown out.
- The petitioner had come to court with unclean hands and had suppressed facts.
- There must be real and genuine Public Interest involved in the litigation.
- Public Interest cannot be invoked by a person to further his personal causes or satisfy his personal grudge and enmity.
- It is well settled that courts of justice should not be allowed to be polluted by unscrupulous litigations.

- The Supreme Court earlier held that courts should be ruthless while dealing with imposters and busybodies or meddling interlopers impersonating as public – spirited holy men who masquerade as crusaders of justice.

(On 14/03/2017)

Lok Adalat

Q. What is the aim of Lok Adalat?

A. To resolve disputes through the process of mediation.

Q. Where can it be held?

A. In High Courts & District Courts.

Q. What type of cases are solved in Lok Adalat?

A. Matters related to civil disputes, cases relating to the Negotiable Instruments Act, defaults in payments of bank loans.



Q. What is the nature of Lok Adalat?

A. It is a system of alternative dispute resolution developed in India. It roughly means ‘people’s court’.

Q. What is the history of Lok Adalat in India?

A. India has long history of Lok Adalat resolving disputes through the mediation of village elders. The system of Lok Adalat is based on principles of the Panch Parmeshwar of Gram Panchayats which were also proposed by Mahatma Gandhi.

Q. Who advocated the idea of Lok Adalat?

A. Justice P. N. Bhagwati, a former Chief Justice of India.

Q. What is the Nature of Lok Adalat?

A. Lok Adalat is a non-adversarial system, whereby mock courts called Lok Adalats are held by the State Authority, District Authority, Supreme Court Legal Services Committee and High Court Legal Services Committee etc. They are held periodically for exercising such jurisdiction as they determine.

Q. When was the first Lok Adalat held?

A. In Gujarat on March 14, 1982.

Q. What matters can be dealt by Lok Adalats?

A. The Lok Adalats can deal with all civil cases, matrimonial disputes, land disputes, partition/property disputes, labour disputes etc. and compoundable criminal cases.

Is America only for Americans?

Q. What is the dream of the President Trump of America?

A. He dreams of an America only for Americans ‘only we and no one else’.

Q. What is gripping some sections of American society?

A. Racism and Fanaticism.

Q. What can be the effect of Racism and Fanaticism in America?

A. It is like a cancer that erodes into very root of democracy.

Q. Who are enforcing the same ideology in India?

A. BJP and RSS. They want to make India only for Hindus.

Q. What are the programmes started by President Trump to achieve his goal?

A. Programmes to end illegal/immigration, building a Mexico border wall, suspending refugee programmes, banning travel of citizens of 6 Muslim countries to US, publishing a weekly list of criminal actions committed by aliens in Sanctuary Cities etc.

Q. What is the response of people in America?

A. There is wide spread protest against these human rights violations. They consider these practices as cruel, misguided and illegal.

Q. What is the response of the Catholic Church in America to the above programmes of President Trump?

A. Bishops of the US Catholic Conference is indisputable in their stand in protest against injustice and human rights violations. They stand firm with their prophetic role to defend the rights of Muslims. They have promised that they would not waver in their defense of their sisters and brothers of all faiths who suffer at the hands of merciless persecutors.

Q. What is the response from Catholic University Colleges, academic and other intellectuals from across the globe?

A. They have expressed their protest against these orders and refused to participate in any international programmes of higher learning in US until they are revoked.

Q. What is the response of the American Civil Liberties Union?

A. They are very active in defending the rights of migrants and refugees and they believe that denying entry to refugees is illegal.

Q. Is it true that a vast majority of people in the world are still committed to the values of truth, justice, non-violence, equality, tolerance, acceptance, solidarity and brotherhood?

A. Yes.

Q. What should all people, members of the United Nations believe?

A. That all people are the children of God and members of a global family and all must love and serve one another for the growth of individuals and development of the nations. Hatred, individualism and divisions will destroy the world.

Q. What was the last prayer of Jesus?

A. “That all may become one”.

Law ministry to start TV channel to discuss important legal issues and judicial decrees

(Bid to spread awareness on legal issues)

- The Union law ministry is all set to become the first ministry to have its own TV channel. The channel will team discussions and constitutional interpretations on key issues like triple talaq and the uniform civil code, apart from debates on important judgements, to spread legal awareness. The ministry has sought a separate channel for this purpose from a bouquet of 32 direct-to-home channels launched by the ministry of human resource development (HRD) called Swayam Prabha to broadcast programmes for school and university students.
- The law ministry has already written to the HRD ministry seeking the operational rights for one channel.
- The ministry is considering hiring leading Bollywood directors like Prakash Jha to produce quality programmes on legal education for the marginalised.
- Jha was recently commissioned by the government to make 15 five-minute short films for the National Legal Services Authority aimed at creating legal awareness. CJI J S Khehar is the patron-in-chief of NALSA, which is engaged in providing free legal aid to the poor.
- The ministry has launched an open competition for freelance film-makers and students of various law schools with a cash prize of Rs. 20,000 – Rs. 50,000 for five- to 30 – minute films on relevant issues.
- “The idea is to create a bank of enriched material on legal issues that can be best used by the common man,” said a senior officer associated with the project.
- Documentaries, short films and clips are what the ministry is looking for to create its bank and it is open to commissioning various production houses and law universities for content based on research and ground studies.
- The government will start the project by first broadcasting programmes for a few hours every day. Once it gathers enough content, the channel will run 24/7.
- Under UPA, there was a similar idea of launching a TV channel dedicated to the Supreme Court. However, since the apex court was completely against recording of its proceedings, the government had to shelve the idea.
- The SC was not ready to allow recording of proceedings even in lower courts, which the government said was part of the second phase of the e-court project and easier to implement along with the computerization of courts.



(On 17/03/2017)

Food habits linked to right to life

(Allahabad High Court)

- Food, food habits and vending of food are linked to right to life and must not be curbed by the State.
- We express our concern that meat shops were being closed without considering the renewal of shop-owners' licences.
- We have pondered over the legal and constitutional provisions in this regard earlier this week. Article 21 of the Constitution extends right to life to every citizen.
- We direct the government's high – powered committee (to be headed by the chief secretary) to deliberate on the issue on April 10 to resolve the controversy.
- Food that is conducive to health cannot be treated as a wrong choice and it is for this reason that provisions are obligated on the state to be made available for maintaining the requirement of supply of healthy foodstuff.
- The government must appraise the conclusion of the committee's deliberations on April 13.

(Bombay High Court)

- As far as the choice of eating food of the citizens is concerned, the citizens are required to be let alone especially when the food of their choice is not injurious to health. The State cannot make an intrusion into his home and prevent a citizen from possessing and eating food of his choice.

(On 05/04/2017)

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Strange country, 'terror convict gets access to justice, what about their victims'

(Chief Justice of India J S Khehar)

- Access to justice till the end is possible only in India but victims of crimes are not treated fairly by the system.
- It is strange that in India, while many people reached out to those convicted of serious crimes, victims of their crimes are often neglected.
- Ours is a strange country. Bigger the criminal, bigger is the outreach.
- 2017 is to be "the year for reaching out to victims".
- I haven't seen ever before that a convict in a terror case, who has failed up to the Supreme Court and also in his review, can get access to justice in the manner that we extend. But I have also wondered over years what about the victims? I have wondered over years what about the families that have lost their breadwinners?

(On 18/03/2017)

Rights to make free speech

Q. Do everyone of India has the fundamental right to think and express?

A. Yes, under Article 19 of the Constitution of India

Q. When can one be charged for ‘sedition’?

A. According to the Supreme Court when one’s public act provokes ‘imminent violence through words, written or spoken. It is sine qua non for making a sedition charge. (Supreme Court in Kedar Nath Singh case in 1962).

Q. Are the Central and State Governments violating the verdict of the Supreme Court?

A. It seems so.

Q. How?

A. Sedition charges were slapped against Amnesty International India for organising a debate on Kashmir; Kannada – actor – turned politician Ramya for her ‘Pakistan is not hell remark’; Booker prize winning author Aundhati Roy for a speech on ‘Azadi’; Tamil folk – singer Kovan for his anti – Jayalalitha song; rights activist Dr. Binayak Sen for his purposed links with Naxalites; one can list several other cases of misuse of ‘sedition law’ in the recent past. Successive governments have bluntly used Section 124A of the Indian Penal Code to stifle the voice of dissent and to further their political goals.

Q. What was the judgement of the court regarding anti - India slogans made by few people in Chandigarh on October 31, 1984, the day Indira Gandhi was assassinated?

A. The court held: “It does not appear to us that the police should have attached much significant to the causal slogans raised...The causal raising of slogans, once or twice by two individuals alone, cannot said to be aimed at exciting or attempt to excite hatred or disaffection towards the government”.

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There is need for technology for speedy justice

(P. M. Narendra Modi)

- There is the need for the use of technology for speedy delivery of justice.
- The government will make all efforts to back this resolution to reduce the burden on the judiciary and bring down the pendency of cases.
- The government wants that the judicial system of our country makes full use of information and communication technology. This should be given priority. This can help save a lot of time and money.
- I assure the Chief Justice that the government will back his ‘sankalp’ (resolve) to bring down the burden on the judiciary and reduce the pendency of cases.

- Video-conferencing should be used for depositions made in courts by under-trials, witnesses and officials to prevent wastage of time and money.
- So many precious hours of officials, which should have been spent doing administrative tasks, get used up in travelling to far – off places to appear in courts. This can be obviated through video – conferencing.
- Security concerns associated with physical production of undertrials in courts could be addressed by the use of video – conferencing.
- The government has already done away with 1,200 redundant laws.

(On 02/04/2017)

Legal questions and answers

1. *Lax in investigation and prosecution*

Q. What is wrong with our judicial system?

A. Its standards of investigation and prosecution are lax. Not only do cases drag on for years, in many instances the prosecution is unable to prove even basic charges. Cases of corruption of justice coupled with the inability to produce convictions after years of prosecution diminish confidence in the criminal justice system.

Q. What is the urgent need?

A. To ramp up our criminal justice system by facilitating speedy disposal of cases.

Q. How can it be done?

A. Enhance scientific investigation right from the level of local police in a process that is firewalled from politics.

2. *Reservations*

Q. For whom did the fathers of the Indian Constitution allot reservation?

A. The poor and down trodden sections of society.

Q. Can the affluent sections of society demand reservation in government jobs?

A. No.

Q. Can reservation be claimed on caste, creed, religion and regional basis?

A. No.

3. *Maternity Benefit*

Q. What is the latest law enacted on maternity leave?

A. The Maternity Benefit Bill, 2016.

Q. Is it a welcome step for everyone?

A. Yes. It would bring better health care to the family while ensuring financial stability.

Q. What is the fear created by this law?

A. That the law may create in contractual job or a reduction of women on the workforce.

4. Compensation for death of a forest guard

Q. A forest guard in Karnataka died while trying to douse the fire at Bandapur National Park. Are his next of kins entitled to get compensation?

A. Yes.

Q. How much money was given by the government as compensation?

A. Rs. 25 lakh.

5. Harassment of a woman in a train

Q. A 30 – years - old woman was assaulted and verbally abused by a co-passenger during her journey. To whom can she make a complaint?

A. To the railway police.

Q. Under what law can the police register a case against the accused passenger?

A. Under Sections 354, 354A (iv) of IPC.

6. Disqualification of convicted law makers

Q. What is the opinion of the Election Commissioner on disqualification of convicted law makers?

A. That convicted law makers must be disqualified immediately after they are convicted in criminal cases.

Q. Do the present provisions of the poll law allow taking such measures?

A. No.

Q. Should the election law be amended?

A. Yes, so that law makers can be disqualified as soon as they are convicted by the court in criminal cases.

7. Can't deny wages if work stops due to air pollution

Q. Can wages be denied to workers if builders have been ordered to stop construction work causing air pollution?

A. No.

Q. What was the order made by the National Green Tribunal (NGT) on this issue?

- A. • That the builders have to bear the burden of all consequences for causing air pollution in the capital.
• That no builder can deny wages to labourers during the period in which work is stopped for causing air pollution.

Q. What is the settled rule of environmental jurisprudence?

- A. That the polluter must pay. It is polluter who is expected to take all precautions and also face consequences. If a builder is causing pollution to ambient air quality, he has to bear all the consequences.

8. Making undignified remarks on rape-victims

Q. Can a minister make silly remarks on a victim of rape hurting her dignity?

- A. No.

Q. Can he be asked by the court to tender an unconditional apology to her?

- A. Yes.

Q. Can a court order a person to pay compensation if he was hurting the dignity of a sexually abused woman by making undignified remarks?

- A. Yes.

Q. Should a law be made to fasten accountability on ministers and those in public positions making insensitive and undignified statements to defame sexually abused women?

- A. Yes. Such a law will put fear of accountability on ministers.

9. Committing Insult to national anthem is punishable

Q. Which law punishes committing insult to national anthem?

- A. The Prevention of Insults to National Honours Act, 1971.

Q. What act does this law punish?

- A. This Act punishes those who intentionally prevent the singing of the national anthem or disturb an assembly where it's being sung.

Q. Is singing of national anthem compulsory even in schools?

- A. No. What is required is when it is sung people must stand respectfully.

Q. Can children be punished for not singing national anthem in schools?

- A. No.

Q. Do people have the right to silence when national anthem is being sung?

- A. Yes.

Q. Who affirmed this right?

- A. The Supreme Court in Yehovah Witness Student's case.

10. Punishment for touching a woman's bottom in a bus

Q. Is deliberately and repeatedly touching the bottom of a woman sitting in a bus, by a man a criminal offence?

A. Yes.

Q. Can the man be punished for it?

A. Yes. In a case in Bombay a man was punished for 15 days in jail and fined Rs. 5000. Rs. 3000 was given to the victim.

Q. What was the judgement of the court in this case?

A. Refuting the man's defence that he might have unintentionally touched her as he was drowsy as he was on medication, the court said. The repeated act of the accused of touching the bottom of the informant (victim), a pregnant lady, was intentional and deliberate and not pure accident. Further, the action of the informant of immediately taking the accused to the police station itself suffices to make out that she was shamed and molested by him and thereby outraged her modesty.

11. Custodial death

Q. Can police be punished for custodial death?

A. Yes.

Q. What should be done when a person dies in police custody?

A. An FIR must be lodged and police authorities at the district level must be contacted to take legal action against the police.

Q. Should the police authorities conduct an impartial probe into the incident?

A. Yes.

Q. Should a postmortem be conducted on the dead body to find the cause of death?

A. Definitely Yes.

12. Abetment of suicide

Q. Can a case of abetment of suicide by a girl be quashed merely on the ground of settlement between the parties involved?

A. No, held the Bombay High Court.

Q. Who can file the FIR in this case?

A. The girl's father.

Q. Has the accused the right to settle this case by paying monetary compensation to the victim's family?

A. No.

Q. Under what law can a case be filed against the abettor of suicide?

A. A case under IPC section 306 (abetment to suicide)

Q. Can the accused file a fresh petition for quashing the case based on merits (evidence and facts)?

A. Yes.

13. Matrimonial cases

Q. Which state in India tops with pending matrimonial cases in family courts?

A. Kerala. 50,000 cases of discord cleared in 2015. Over 52000 on wait list.

Q. What is the total population of Kerala?

A. Less than 3 per cent of India's total population.

Q. Which are the cases dwelt by family courts?

A. Divorce cases, alimony, custody of children, restitution of conjugal rights etc.

14. Home cooked food for a prisoners

Q. What should a prisoner do if he wants home- cooked food for health reasons?

A. He must seek permission from the court which sent him to prison.

Q. What reasons must be shown to get the permission?

A. Reasons related to health, religion, time of eating and non availability of such food in jail etc.

15. Foetus in garbage

Q. What should you do if you find a foetus in garbage heap?

A. Inform the police.

Q. What should the police do?

A. The police must take the foetus to the nearby government hospital for post-mortem.

Q. Can the post - mortem conducted by the doctors reveal the age of the foetus?

A. Yes

Q. What should the police do next?

A. Question the people of the area to get information about throwing the foetus.

Q. Should the police register the offence against unidentified persons?

A. Yes.

16. Kidnapping a minor girl to marry

Q. Is it a crime for an adult man to run away with a girl of 17 promising to marry her?

A. It is a criminal offence.

Q. Who can lodge an FIR against the man?

A. Her parents

Q. What charges can be issued against him?

A. Rape, kidnapping and offences under the POCSO Act.

Q. Can her brother tie her up with chains in a room?

A. No. It is a crime.

Q. Can anyone conduct her marriage in emergency?

A. No, because she is a minor.

Q. Can one who conducts her marriage be arrested and punished?

A. Yes.

17. Babri Masjid demolition case

Q. What was the charge leveled against senior BJP leaders L. K. Advani, M. M. Joshi and Uma Bharati in Babri Masjid demolition case?

A. Criminal conspiracy.

Q. Was this charge dropped against them?

A. Yes, on technical reasons.

Q. What was the ruling made by the Supreme Court on this matter?

A. It has revived the charges against them and suggests a joint trial with Kar Sevaks.

18. Performing illegal abortions

Q. Can a homoeopathic doctor conduct abortions at his clinic?

A. No. It is illegal.

Q. Can he be arrested by police?

A. Yes.

Q. What should be done to ascertain the gender of the aborted foetus?

A. Send DNA sample of the foetus to the lab for testing.

Q. What is the nature of the practice of this doctor?

A. Horrific practice.

Q. Can a woman be forced to abort a female foetus?

A. No.

Q. What is the name of the law dealing with medical termination of pregnancy?

A. Medical Termination of Pregnancy (MTP) Act.

19. Offence of aiding and abetting Naxal activities

Q. What is the name of the law under which aiding and abetting Naxal activities are criminal offences?

A. The Unlawful Activities (Prevention) Act (UAPA) and the Indian Penal Code (IPC)

Q. In which court can the accused be tried?

A. In a Sessions Court.

Q. What punishment and under what sections can the accused be punished for supporting Naxal activities?

- A. • Section 13: Unlawful activities, punishable upto 7 years.
• Section 18: conspiracy punishable by not less than 5 years upto life.
• Section 20: being a member of terrorist gang or organization punishable for life.
• Section 38: offences relating to membership of a terrorist organization punishable by imprisonment not exceeding 10 years.
• Sections 39: Offences relating to support given to terrorist organization punishable by imprisonment not exceeding 10 years.

Q. What can be the main evidence against the accused?

A. Strong electronic data evidence consists of written materials and photographs.

Do you Know?

- ❖ **Lok Sabha** on 14th March, passed the Enemy Property (Amendment and Validation) Bill, 2016, which denies inheritance rights to heirs of individuals who left the country for Pakistan and China, completing the process after Rajya Sabha gave its assent to the long pending legislation last week.
- ❖ **Acting on** specific formation, the special operations group (SOG) of Morbi police arrested a Homeopathy doctor in the ceramic town for practicing allopathy in his clinic.
- ❖ **Currently**, killing of cows or their progeny is a crime under the Gujarat Animal Preservation Act 1954. The amendment bill makes the law stricter and provides for harsher punishment and higher penalties to prevent cow slaughter in the state. The minimum jail term for illegal ferrying of cows for slaughter has been raised from 7 to 10 years as against the current provision of 3 to 7 years. The monetary penalty has also been increased from Rs. 50,000 to Rs. 1 lakh.
- ❖ **Gujarat Chief Minister** Vijay Rupani on 19 January announced the implementation of an Act that prescribes provisions relating to autonomous rights to tribals over natural resources at the place where they live.
- ❖ **Ten years after** a woman witnessed an accident that led to the death of her 50- year old husband, a Motor Accident Claims Tribunal ordered the insurance company to pay her and their now 28 – year – old daughter, a compensation of Rs. 25 lakh.
- ❖ **A Special NIA** court on 7/03/17 convicted three persons, including two RSS pracharaks, in the 2007 Ajmer Dargah blast case, while acquitting Abhinav Bharat member Swami Aseemanand and six others, giving them the “benefit of doubt”.

- ❖ **In order to prevent** the possibility of avian influenza, Gujarat high court on Thursday directed concerned authorities not to permit any NGO or individual to hold campus for treating birds within residential areas, even during Uttarayan festival. The HC issued the directive in response to PILs complaining of inaction on part of authorities and allegedly wrong decision taken in January to bring birds, in which H5N1 virus had been detected, to Memnagar from a facility of Asha Foundation in Vastral.
- ❖ **The Supreme Court** on 6th March observed that “prima facie” the order exonerating BJP leader L. K. Advani and others in the 1992 Babri Masjid demolition case was not correct and that the CBI should have filed a supplementary charge-sheet against them.
- ❖ **Instructor Suspended** for neglecting victim’s plaint – acting on the report of a three – member committee that probed the ragging and humiliation of a student carried out outside the ITI campus on 7/01/17, authorities of Industrial Training Institute (ITI), rusticated seven students and suspended one instructor.
Anti – ragging committees and squads must be formed in each institution and it is the duty of the committee or the squad to ensure that the SC directives against ragging are adhered to. The committee would also ensure that in case of deviation, the same is brought to the court’s notice.
- ❖ **The Supreme Court** on 30/03/2017 refused to revisit its order banning liquor vends within 500 meters of national and state highways from April 1st and ruled that this would also ban hotels and restaurants on highways from serving liquor to guests.
- ❖ **Gujarat High Court** on 16/03/2017 scrapped its rule by which non-practicing lawyers who are employed in services of court or other departments are required to have minimum service experience of five years to apply for the post of district judge or senior civil judge. It is a big relief to LL.B degree holders who are aspiring to join judiciary.
- ❖ **The two year** old boy who was kidnapped in January this year was being used to get more alms by the kidnapers. The government railway police that rescued the child said that he was taken to several places in the state after being kidnapped from Anand railway station. “The accused used to beg at several places including railway stations. They thought that if they had the child they would get more money said a GRP official.”
- ❖ **Demanding an independent** Gujarat State Sanskrit Education Board State Wing of Sanskrit Bharati has launched a campaign for the development and revival of the ancient language in Gujarat. Sanskrit Bharati the RSS – affiliated organisation dedicated to the language has launched a “21 – point” signature campaign and roped in general public and Sanskrit experts and educationist in each district. This was submitted to each District Collector, with the Gujarat Education Minister Bhupendra Singh Chudasama and Chief Minister Vijay Rupani.
- ❖ **In an unprecedented** order the first of its kind in the country Uttarakhand High Court on 20th March decreed that the rivers Ganga and Yamuna as well as their tributaries

and sister bodies be declared as legal and living entities having status of a legal person with all corresponding rights, duties and liabilities of a living person.

- ❖ **The government** has proposed to make the Aadhaar number mandatory for filing income-tax returns while applying for a new permanent account number (PAN) from July 1, according to amendments proposed by Finance Minister Arun Jaitley in the Finance Bill.
- ❖ **Tax payers** will be required to link their Pan Cards with Aadhaar numbers. PAN cards not linked to Aadhaar numbers before July deadline will be deemed invalid, as per the amendments.
- ❖ **The Gujarat Assembly** Committee on Welfare of Schedule Caste has recommended that the government should ensure utilisation of SC funds only for the schemes meant exclusively for the community. This as the State Government is using the SC funds on building 9 industrial training institutes, meant for general candidates as well.
- ❖ **The Madras High Court** on 04/04/2017 asked the Tamil Nadu government to waive all farm loans. It restrained officials from initiating any penal proceedings against farmers. Who have defaulted on crop loan repayments.
- ❖ **The Supreme Court** on 20/01/2017 refused to give legal sanctity to divorce decrees granted by ecclesiastical tribunals, popularly known as church courts. This means anyone remarrying after such a divorce decree would be committing the offence of bigamy.
- ❖ **Courts should not** harass a rape survivor by asking her for corroborative proof to prove her allegations if her testimony is trustworthy, the Supreme Court held on 22/12/2016, saying it added “insult to injury”.
- ❖ **The Supreme Court** on 03/03/2017 said it would decide the issue of setting up a five-judge bench to hear a batch of petitions challenging the constitutional validity of the ambitious Adhaar scheme.
- ❖ **The Supreme Court** on 6th March served that “prima facie” the order exonerating BJP leader L. K. Advani and others in 1992 Babri Masjid demolition case was not correct and that the CBI should have filed a supplementary charge-sheet against them.
- ❖ **Questioning efficacy** of the Center’s schemes to deal with farmer suicides, the Supreme Court on 03/03/2017 said that instead of providing compensation in such cases, the government would do good to ensure that no farmer is pushed to take extreme step. A bench led by Chief Justice of India J S Khehar asked the government to frame schemes that are preventive and do not kick in after farmers have been forced to end their lives.
- ❖ **Overcoming serious** differences within as well as with the Center, the Supreme Court collegium has finalized the Memorandum of Procedure for appointment of judges to Constitutional courts which had become a bone of contention between the executive and the judiciary for more than a year.

Maternity leave

Q. What is the new law enacted to give more maternity leave for working women?

A. The Maternity Benefits (Amendment) Bill, 2016.

Q. What does the new law guarantee?

A. It guarantees 26 weeks paid leave to new mothers in the organised sector. Earlier the leave was for 12 weeks only.

Q. What is the period of maternity leave in other countries?

A. China offers 14 weeks, Australia 18 weeks, Norway 36 - 46 weeks, Denmark 52 paid weeks, Canada 52 weeks and the US offers 12 weeks.

Q. To which establishment Indian law applies?

A. India's law applies to establishment employing 10 people or more. Indian law also offers 12 weeks paid leave to mothers adopting or having a child through surrogacy.

Q. Which establishment must provide creche facilities?

A. Establishment employing 50 or more people. It allows a mother to visit her child 4 times a day.

Q. Should the employer inform all women employees about these rights in writing?

A. Yes.

Q. What is the effect of giving more maternity leave?

A. It will help women and children to be healthy. It also helps mothers to work for more time and in an effective manner.

Q. To which women this law applies?

A. This law applies to women working in the organised sector, covering 4.4 per cent of women.

Q. How many per cent of Indian women work in the unorganised sector?

A. 90 per cent, mostly agricultural labourers and domestic workers.

Q. On what leave the law is silent?

A. On paternity leave.

Q. Should man also be involved in child care?

A. Yes. So men should be given paternity leave.



Set up panel to monitor cases of sex-determination

(Supreme Court)

- We are stepping up efforts to punish sex-determination of fetuses under the PNDT Act.
- India could ill-afford a socially explosive situation caused by dropping sex ratio which remained a “social affliction and a disease”.
- Decrease in sex ratio is a sign of colossal calamity and it cannot be allowed to happen. Concrete steps have to be taken to increase the same so that a social disaster does not befall society.
- We give 16 directions to states and make a request to chief justices of high courts to constitute a committee of three judges which can periodically oversee progress of cases under Preconception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act.
- We are alarmed by the sex ratio in Delhi (895 female to every 1,000 male child birth), Haryana (880) and Odisha (886) in 2013. The dropping sex ratio still remains a social affliction and a disease.
- States and Union territories must maintain a centralized database of civil registration record from all registration units so that information can be made available from the website regarding the number of male and female children births.
- State governments must set up authorities under the PNDT Act so that their actions would lead to enforcement of the law. The effectiveness of the legislation must be felt and realized in society.
- The courts which deal with complaints under the PNDT Act shall be fast tracked and concerned high courts shall issue appropriate directions in this regard.
- Chief Justices of High Courts are requested to constitute a committee of three judges that can be periodically overseeing progress of cases.
- Judicial officers who are to deal with cases under PNDT Act shall be periodically imparted training in the judicial academics or training institutes so that they can be sensitive and develop requisite sensitivity as projected in the objects and reasons of the Act and its provisions as well as the need of the of society.

(On 15/11/2016)

Denial of sex by wife during pregnancy is not cruelty

(Delhi High Court)

- Denial of sex by a woman during her pregnancy is not cruelty towards her husband entitling him to get divorce on that ground.
- If the wife wakes up late in the morning wants tea to be served in bed would at best show that she is lazy and “laziness is not cruelty”.

- We dismiss a man’s appeal against a family court’s decision rejecting his plea for divorce on grounds of cruelty.
- The plea that wife denied consortium to husband after August, 2012, even if true has to be understood in light of the fact that by the third week of May, 2012, she was in the family way.
- Carrying a foetus in the womb she would obviously be inconvenienced by sex and assuming she totally shunned sex with the husband as her pregnancy grew would not constitute cruelty.
- The allegations made by the man in his plea were “sans any particulars” and “vague”.
- We agree with the view of the lower court.
- The man in his plea has not disclosed any particulars regarding the allegations he has made against his wife.

(On 06/11/2016)

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Rape and acid attack compensation amount empty formality

(Bombay High Court)

- The Maharashtra governments must take fresh look at a scheme for compensation to sexual assault and acid attack victims. The quantum of money is “insulting and shameful”.
- We are not happy with this Manodhairya scheme. It is insulting, inhuman and shameful.
- There has been no application of mind while formulating this scheme.
- The scheme launched in October 2013 had two categories - the first regarding rape and sexual assault victims and the second for acid attack victims. Rs. 2 lakh is given to victims of the first category and Rs. 3 lakh for the second category.
- The amount is “just an empty formality” that reflected a very sorry state of affairs.
- Today is a Women’s Day. At least from today start doing something constructive. The attitude of the government towards women and children will shape the manner in which citizens see them. Your (the government’s) attitude should speak volumes.



Note

- The order came while the bench was hearing a petition filed by an alleged victim of rape who is 14 years old and seeking a compensation of Rs. 3 lakh by the government in October last year.

Rights of minorities in India

Q. Do minorities have special rights in the Constitution of India?

A. Yes under Articles 29 and 30. They are cultural and educational rights.

Q. Which are the different types of minorities in India?

A. Linguistic and Religious minorities.

Q. Do minority rights essential in a democratic pluralistic polity?

A. Yes.

Q. Why?

A. “No democracy can long survive which does not accept as fundamental to its very existence the recognition of the rights of minorities.” (Franklin Roosevelt).

Q. What did Modi government assert in the Supreme Court about the minority status in the State of Jammu and Kashmir?

A. That Hindus are minorities in Jammu and Kashmir. So they must be given minority status and privileges.

Q. In which place in the Constitution the expression “minorities” have been inserted?

A. In 4 places. The headnote of Article 29 uses “minorities”. Then the expression “minorities or minority” has been employed in the headnote of Article 30 and in clauses (1) and (2) of Article 30. Interestingly, no definition of the term is given in the Constitution.

Q. Who are minorities under the international law?

A. Minorities are groups that possess distinct and stable ethnic, religious and linguistic characteristics. The crucial point is that these characteristics differ from the rest of the population, and that these groups wish to preserve their distinctive identity even if this identity does not conform to the norms and the values of the majority. Thus, a minority is a group that is numerically smaller in relation to the rest of the population, it is non-dominant to the extent that its values are either inadequately or not represented in the public sphere or in the constitution of societal norms, it has characteristics which differ from the majority group and more importantly, it wishes to preserve these characteristics. Thus, numerical inferiority or powerlessness is the test to determine minority status.

Q. What is the stand of the Supreme Court of India?

A. The SC has consistently maintained that minorities are to be defined on the basis of “numerical inferiority”. Since the constitution talks of both religious as well as linguistic minorities, courts have held that minorities are to be defined at the level of the state, as states were carved out on a linguistic basis.

Q. On this basis can we say that Hindus are minorities in the State of Jammu and Kashmir?

A. Yes. So government should not deny them this status.

Q. In which States in India Hindus are considered as minorities?

A. In Punjab and in Northeastern States.

Q. Where are Muslims considered as minorities in India?

A. In all States except Jammu and Kashmir.

Q. Where are Christians considered as minorities?

A. In all states except Northeastern States.

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Parents have right to admit wards to institution of their choice & minorities have the right to admit students of their choice

(Delhi High Court)

Facts behind the judgement

Delhi Government has brought a circular as on January 7 making it mandatory for all unaided private schools, including the minority educational institutions, in the capital for which the land was allotted by the government on concessional rate to admit students in nursery on the basis of neighbourhood criteria.

Aggrieved by the order of the Government three private unaided minorities educational institutions namely Mount Carmel School and Somerville school moved the Delhi High Court. Their contention was, this order of the Government has infringed their rights to establish and administer educational institutions of their choice enshrined under Article 30(1) of the Constitution of India.

The rulings of the High Court

- We wonder how the government can step into anyone's domain in the name of regulation.
- Such imposition of neighbourhood criteria will only promote corruption as parents will furnish false documents to ensure their wards get admitted to such schools.
- The Government cannot decide to which schools the parents should send their children.
- Instead of forcing the elite private schools to admit students from all categories, the Government should improve the government schools in the capital that the parents can send their children to public-schools.
- It has been held in P.A. Inamdar vs State of Karnataka "the minority institutions are free to admit students of their choice including students of non-minority community. It has

to be borne in mind the right guaranteed under Article 30(1) is a right not conferred on individuals but on religious denomination or section of such denomination.

- It is also universally recognised that it is the parental right to have education of their children in the educational institutions of their choice.
- It has been held by a Full Bench of the Karnataka High Court in ‘Associated Managements of Primary and Secondary schools in Karnataka vs. State of Karnataka and Ors. (2008KLJ1) that the words “of their choice’ the vast discretion and option which minorities have in selecting the type of the institution which they want to establish and to admit the students of their choice. However, the minority educational institution can provide admission to students from their own community.
- In TMA Pai vs State of Karnataka (11 judges) it is said minorities have the right to establish and administer educational institution of their choice with the desire that their children should be brought up properly and be eligible for higher education and go all over the world fully equipped with such intellectual attainments as it will make them fit for entering the public services. Surely then there must be implicit in such a fundamental right the corresponding duty to cater to the needs of the children of their own community.

Q. What was the judgement of the Karnataka High Court when Karnataka government passed an order for the imposition of official languages of the State as the sole medium of instruction in primary schools?

A. The court in ‘English Medium Students Parents Association vs. State of Karnataka (1994) 1 SCC 550, held that the police power of the State to determine the medium of instruction must yield to the fundamental right of the parents and the child and that the Government compelling children studying in Government recognised schools to have primary education in the mother tongue or the regional languages is violative of Article 10(1) (g), 26 and 30(1) of the Constitution.

Q. Can the regulation made by the statutory authorities impinge upon the minority character of the institution?

A. No.

Q. What should be the objective of the regulation related to minority educational institutions?

A. The objective must be making the institution an effective vehicle of education for the minority community or their persons who resort to it.

Q. Should the regulation be reasonable?

A. Yes.

Q. Can the government interfere in the day – to – day administration of a minority educational institutions & including admission of students?

A. No.

Dismissal of an employee for sleeping while on duty

- Q. Is sleeping while on duty a serious offence?**
- A. Yes. It is a serious misconduct.
- Q. Will it include dozing?**
- A. No. It is separate from sleeping. Dozing is regarded as an act of negligence.
- Q. Can an employee sleeping during duty hours be dismissed?**
- A. Yes, because it a serious misconduct.



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Model charge – sheet to be issued to an employee guilty of using abusive languages towards his superior

To

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It is reported against you that ondated while on duty at(time) you forcefully entered the office of your superior officer and abused him in most vulgar, abusive and defamatory languages. (Herein mention the actual words spoken by the delinquent employee).

In the past also, you have indulged in such/similar activities and have been warned to this effect.

You have thus exhibited audacity and depravity towards your superior and as such your conduct is becoming and amounts to serious misconduct.

The above – mentioned charges are very serious in nature and when proved will make you liable for appropriate disciplinary action. In the meantime, you are hereby called upon to show cause as to why appropriate disciplinary action should not be taken against you. Should you fail to submit your explanation within three days from the receipt of this charge - sheet it will be presumed that you admit the charges and have no explanation to offer.

For and on behalf of the Management,
Authorized Signatory

Model warning letter to employee for inefficient performance of his duties

To

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It is reported that inspite of clear instructions, you are not discharging your duties properly and efficiently. You have been found absent from your duty point on several occasions and you could not give a satisfactory explanation to such conduct when called by your superior officer to that effect.

You are hereby warned and directed that you should perform your duties properly and efficiently and give no occasion for such complaints in future. If you will fail to perform your duties efficiently, the management will be constrained to take appropriate disciplinary action against you.

For and on behalf of the Management

Authorized Signatory

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Consequence of failure of the contractor to obtain licence

Q. What should a contractor employing 20 or more workers do?

A. He must obtain the licence under the Contract Labour (Regulation & Abolition) Act.

Q. Can the employees of a contractor working for an employer ask for regularization of their labour if the contractor has not obtained a licence?

A. No. Not having a licence is only a procedural irregularity.

.....

Enquiry not required for termination of a probationer

Q. What is the main objective of appointment of a person on probation?

A. To enable the employee to assess his suitability in the establishment during the probation period and afterward.

Q. Is the employer justified in discharging the services of a probationer for his misconduct during the period of his probation without a regular enquiry?

A. Yes. So the probationer is not entitled to seek any relief for termination of his service.

Accused in terror cases spend years in jail only to set free by courts later

- Q. What is the question raised by acquittals of several terror suspects after years of long incarceration?**
- A. The question about the investigation carried out by various agencies.
- Q. How many terror suspects have been discharged or acquitted since 2004 in Maharashtra?**
- A. Over 30 terror suspects.
- Q. What is the main problem faced by those discharged or acquitted?**
- A. Since police have labeled them terrorists it is difficult for them to live with the same dignity in society. Many of them live with trauma.
- Q. What is the human right principle related to the accused persons?**
- A. “Until proved guilty they are innocent”. Yet they are forced to suffer. Some accused are humiliated and beaten up and tortured by police during their interrogation.
- Q. It is true that many of the acquitted persons lose their regular jobs due to their detention in jails?**
- A. Many lose their jobs. Consequently most for them face financial problems when they want to start a new life.
- Q. Is there any justice given to them after judging them innocent?**
- A. No.
- Q. Has our legal system done wrong to them and their families?**
- A. Yes. They are unable to lead a normal life as citizens especially when their friends and relatives turn their backs on them despite the clean chit.
- Q. Should they be rehabilitated by the State governments?**
- A. Yes.
- Q. Do they have the right to claim compensation for the damage caused to them by the State authorities?**
- A. Definitely yes.
- Q. What should government do to rehabilitate them?**
- A. Government must take adequate legal provisions to compensate them and rehabilitate them.



Points to Ponder

Q. Is it advisable to get angry over trouble makers?

A. No. Instead of getting angry nurture a deep caring, and respect for trouble makers, because by creating such trying circumstances they provide us with invaluable opportunities to practice tolerance and patience.

Q. When will you find life more relaxing and rewarding and joyful?

A. When you go about your daily life with little more mindfulness that encourages appreciation, kindness, and generosity.

Q. What is natural when you are entering into something unknown?

A. To feel afraid. Every adventure brings its own fears.

Q. What is the divine consciousness God creates in us?

A. That we all are members of the one family of God. (Vasudaiva Kutumbakam).

Q. Can the same act of liberating the poor from exploitation be perceived differently as an act of justice or injustice by the poor and the rich?

A. Yes.

Q. What should you do before you, speak, write, spend, invest, criticise, pray, quit, retire or die?

A. Before you speak listen. Before you write, think. Before you spend, earn. Before you invest, investigate. Before you criticise, wait. Before you pray, forgive. Before you quit, try. Before you retire, save. Before you die, give.

Q. What corrupts us?

A. The lure of money and power, despite the fact that these are here today and gone tomorrow.

Q. Is it true that in a democracy decisions are made by a majority of the people?

A. Of course, that is not true. Decisions are made by a majority of those who make themselves heard.

Q. You should forget the mistake of the past and move ahead. Why?

A. You are not the same person you were in the past when you committed those mistakes, you have changed.

Q. Can we change our nature and our behaviour?

A. Yes, with right thinking, steadfastness in duty, devotion, the right attitude and the right vision.

Q. What is the fastest way to prevent a mistake from turning into a failure?

A. Honesty.

Points to Ponder

Q. Should you be embarrassed by failures?

A. No. Learn from them and start again.

Q. What is faith?

A. Taking the first step even when you don't see the whole staircase.

Q. Will God ever give you anything you can't handle?

A. No. So don't stress.

Q. What should we observe and cultivate to enjoy peace and harmony?

A. Observe good faith and justice towards all nations and cultivate peace and harmony with all.

Q. Who is a leader?

A. A leader is one who knows the way, goes the way, and shows the way.

Q. When will you become a leader?

A. When your actions inspire others to learn and do more for society.

Q. What is the difference between a leader and a boss?

A. The leader leads others and the boss drives out others.

Q. Is every person unique?

A. Yes. No two persons are identical. So we must not compare persons but acknowledge their uniqueness.

Q. Who can do better job in building character and integrity?

A. Women.

Q. What is the biggest strength that a woman has?

A. Her emotions, feelings, motivation and inspirations. Men can inspire to fight but women inspire to unite.

Q. Do success and failure count in life?

A. Success is not final, failure is not fatal. It is courage to continue that counts.

Q. What can lead us to success?

A. Only hard work and learning from failure can lead us to success.

Q. What is failure?

A. Failure is simply the opportunity to begin again intelligently.

Q. Is it possible to live without failing at something?

A. No.