SC in 'rape' case: When woman & man are in room...

Times News Network

The apex court refused to entertain the plea of a woman who had alleged sexual assault by a TV anchor and sought cancellation of anticipatory bail granted to him by HC

New Delhi: The Supreme Court on Friday refused to entertain the plea of a woman, who has alleged sexual assault by TV anchor Varun Hiremath, seeking cancellation of anticipatory bail granted to him by the Delhi high court.

A bench of Justices Navin Sinha and Ajay Rastogi said the woman's statement, recorded under Section 164 of the Criminal Procedure Code before a magistrate, clearly did not warrant the apex court to interfere with the relief granted to the anchor by the HC.

The petitioner's counsel, senior advocate Nitya Ramakrishnan, said the woman had honestly recorded her statement that she had disrobed voluntarily but had objected to Hiremath forcing himself on her despite repeated refusals.

"Disrobing does not mean she consented to sexual activity and that clearly made out an offence of rape given the statutory changes effected after the Nirbhaya gang rape-cum murder case," the said Ramakrishnan said the conduct of the accused also needed to be considered by the apex court as he had absconded after registration of the FIR and evaded arrest warrants.

"The woman's Section 164 statement clearly shows that she had indicated to him that she did not want to go beyond a certain point. It is a settled law that consent of the woman is necessary for every part of the sexual act. Since the consent was refused at a certain point, the offence clearly would be categorised as rape," she said. The bench made the senior advocate read certain portions of the Section 164 statement and said, "When a man and a woman are in a room, and the man makes a request and the woman complies with it, do we need to say anything more?" The bench rejected the petition saying it was not inclined to interfere with the Delhi HC order granting pre-arrest bail to Hiremath.

CJI plans national corporation to modernise judicial infrastructure

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CJI N V Ramana said poor infrastructure was proving to be a major stumbling block in delivery of justice

New Delhi: To shore up the justice delivery system, groaning under the burden of over three crore pending cases, Chief Justice of India N V Ramana has unveiled an ambitious plan to set up a National Judicial Infrastructure Corporation (NJIC) to build modern and well-sufficient judicial infrastructure across India.

In the two-day long deliberations with high court chief justices in four sessions on June 1 and 2, the CJI said poor infrastructure was proving to be a major stumbling block in delivery of justice and shared his vision for creation of NJIC, which according to him would be tasked to build "comprehensive, self-contained, all-inclusive and modern court complexes across the country to augment judicial infrastructure".

Though most CJIs in the past two decades have highlighted the deficient infrastructure, especially in smaller towns and rural areas, as a major stumbling block for speedy delivery of justice, the judiciary had always remained dependent on the mercy of state and central governments for grants to augment its infrastructure, including the use of information technology. The proposal for creation of NJIC appears timely, but much will depend on what characteristics it will have in its final shape and the command under which it will build modern court complexes.

5 states account for 66% of daily new cases: Govt

New Delhi: Five states Karnataka, Tamil Nadu, Maharashtra, Kerala and Andhra Pradesh — now account for 66% of the overall daily new cases of Covid-19 recorded from across the country, with experts said on Friday pointing at a trend that indicates the spread of virus is now established locally.

Attributing the gains to increased testing, intense containment activities including restrictions imposed in many states and imposition of masks, the government reiterated the need for the individual caution and gradually open up as a total lifting of restrictions may reverse the gains. "It is not the wish of the virus to forget us but we are making it difficult for the virus to mutate. Therefore, caution is what we stress upon. This positive (in relation to) gains become unacceptable and that is something we need to keep in mind," NITI Aayog member Dr V K Paul said. Emphasising that if containment measures, Covid appropriate behaviour or vaccination pace slackens, the situation can again go out of control very fast.

"If we suddenly get into the same behaviour what we were doing in January and February as a society, (peak) will come back again in a certain way," he said. Paul underscored the need to fast-track to achieve high vaccination coverage. The weekly positivity now stands at 13%, whereas the daily positivity on Thursday was as high as 20 per cent.

Editors Guild welcomes SC verdict in Dua sedition case

Times News Network

The Indian Women Press Corps (IWPC) also welcomed the SC verdict citing protections to journalists under the Kedar Nath Singh judgment against sedition charges and added that criticism of the government, cannot be termed as sedition

New Delhi: The Editors Guild of India on Friday welcomed the Supreme Court's verdict quashing the sedition charges against journalist Vinod Dua, and said in a statement that "a citizen has the right to criticise or comment upon the measures undertaken by a government."

"The apex court not just quashed the criminal complaint against Dua but has also underlined the importance of protecting journalists from sedition cases," a statement by the Editors Guild of India said. The apex body of editors in India also welcomed the Supreme Court's observations that sedition laws are misused by law enforcement authorities to different parts of the country leading to "pre-trial incarceration", and said such sedition laws have a chilling effect on free media and India's democracy.

"The Guild demands repeal of these draconian and antiquated laws that find no space in any modern liberal democracy," it added. The Indian Women Press Corps (IWPC) also welcomed the SC verdict citing protections to journalists under the Kedar Nath Singh judgment against sedition charges and added that criticism of the government, even if brutal, cannot be termed as sedition.

"We have noticed, with distress, a growing trend in India in recent times where both central and state governments have routinely slapped sedition charges on journalists for articles, tweets, Facebook posts that criticise government policies...In January 2021, IWPC founder member Mrinal Pande and some other journalists were booked for sedition for tweets relating to farmers' protest," IWPC said in a statement.

A leader of the ruling BJP had complained against Dua in Himachal Pradesh last year, following which the Himachal Pradesh Police lodged an FIR against Dua. The BJP functionary had accused Dua of spreading rumours and "instigating" people during the communal violence in Delhi last year through his YouTube shows. While lauding the SC judgement, IWPC also said it was hopeful that the Union and state governments will refrain from using such means to silence the media. "We also hope that this judgment will provide immediate relief to journalists who are in jail under sedition charges," it said.

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Sd/-
Puja Joshi
Company Secretary cum Compliance Officer
Vision House, Thivim Industrial Estate, Mapusa, Goa 403 526
Dated: 05/06/2021

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