

Delays In Nationality Verification Prolongs Jail Stay Of Fisherfolk



MUMBAI:- Delays of several years by India and Pakistan in the Nationality Verification process of the two countries' fisherfolk arrested by each other, leads to prolonged jail stay on both sides, which activists have termed as 'inhuman torture'.

As per the latest information with the Pakistan India Peoples Forum for Peace & Democracy (PIPPFD), as many as 207 Indian fisherfolk from Gujarat coast remain in custody of Pakistan, and 99 Pakistani fishermen are in custody of India as of Thursday.

The governments of both countries are required to grant Consular Access (CA) - as per the agreement signed on May 21, 2008 - within three months after they are held, PIPFPD activists said.

"Unfortunately, both countries flout this agreement and fail to grant CA to the arrested fisherfolk on both sides. While Pakistan has granted CA to only 107, the figures of Pakistan verifying the nationality of its fishermen, are not made available," PIPFPD activist Jatin Desai told IANS.

Strangely, despite having all documents, out of these 107, India has not yet confirmed the nationality of 78 of the Indian fishermen, he added.

The swoop on fisherfolk is carried out in the Arabian Sea on the southern coast of Pakistan by its Maritime Security Agency (MSA) and north-west coast of India Coast Guard (ICG) respectively, across the International Maritime Boundary Line.

From India, the fisherfolk nabbed hail mostly from Prime Minister Narendra Modi's home-state, of Gujarat.

The action is on a regular basis by both the MSA and ICG when they pick up fisherfolk who stray into each other's territorial waters (IMBL), PIPFPD General Secretary (India) M. J. Vijayan said.

Citing official records, Desai said that India has the complete details of all its fishermen right down to their native villages, but it is not clear why these are not submitted to complete the crucial

Nationality Verification process to expedite their release from jail and repatriation back home.

"Many of the fisherfolk have already completed their long jail terms, but since India has failed to verify their nationality, they continue to languish in prisons for several more years. Even after India has confirmed the nationality of the 29 fisherfolk, Pakistan has not yet released or repatriated them," rued Desai.

The instances of Venod Mirji, Suneel P. Lal, Rajo Vinod, Bachhal Ramsevak, Babu P. Lal and others are shocking, said Vijayan.

"Mirji's jail term ended on May 23, 2017, granted CA in August that year, but his nationality is still not verified and he remains in a Pakistani prison.

"Similarly with three others -- Suneel P. Lal, Ramsehwak and one Babu who completed their jail sentences on February 21, 2018 -- even granted CA after months, but India has yet to confirm their nationality. So, all languish in jails there," Vijayan said.

They added that this delay in verifying their nationalities by India has hurt the rights of the fishermen and their families, and tantamount to "inhuman torture" at the least.

The PIPFPD has demanded that both countries must implement the 2008 agreement in toto and confirm the nationality of their arrested citizens within the specified period of three months after CA, which is not difficult in the era of Information Technology. Pakistan must also reciprocate the Indian government by appointing the respective members for the Joint Judicial Committee on Prisoners, a mechanism instituted way back in 2007, but rendered defunct since 2013-end.

Accordingly, despite a mechanism available, the sad picture is that both countries don't provide CA within three months of arrest, nor release and repatriate the fisherfolk within one month of completion of their jail sentences and confirming their nationality status.

'There Must Be Huge Mass Movement If Muslims Being Sent To Detention Camps'

NEW DELHI:- Senior Congress leader P Chidambaram on Thursday said there should be a "huge mass movement" if any Muslim is sent to detention camps in case the Supreme Court upholds the validity of the Citizenship Amendment Act.

Speaking at the JNU campus here, Chidambaram said that Citizenship Amendment Act (CAA) was an outcome of the "NRC fiasco" in Assam which left 19 lakh people out of the National Register of Citizens.

The CAA was brought to accommodate 12 lakh Hindus out of the 19 lakh people who could not be included in the final NRC in Assam, he claimed.

Replying to a question by a student asking for best course of action if the CAA is upheld by the apex court, Chidambaram



said, "When they touch the excluded...they will only be Muslims, try to identify and throw them out, declare them Stateless. There must be a huge mass movement resisting any Muslim being thrown out or kept in detention camps."

He also said the Congress believes the CAA must be repealed and there should be a political struggle so that National Population Register (NPR) is pushed beyond 2024.



Post-Delhi Polls, JNUSU Back In Anti-CAA Mode

NEW DELHI:- Following a brief lull during the run up to the Delhi Assembly election, the Jawaharlal Nehru University Students Union (JNUSU) on Thursday sounded the bugle for a renewed fight against the Citizenship Amendment Act and other measures that the government is said to be contemplating.

The Aam Aadmi Party's resounding victory despite the BJP's attempts to turn the Delhi polls into a referendum over the Citizenship Amendment Act, has given a boost to anti-CAA supporters. Beginning February 14, the JNUSU

is organising a series of events to mobilise support against the CAA, and to draw attention to the government's plans for NRC and others.

The events are spread over three days, beginning on February 14 and lasting upto February 17. The protests include a cultural programme, and a protest march within the JNU campus.

The last day of the protests will see students taking out a march on February 17 from Mandi House to Parliament Street.

A statement issued in this regard by JNUSU says, "Attempts to destroy the fundamental

characteristic of the Indian Constitution by the RSS-BJP have reached a fever pitch. The passage of the unconstitutional CAA 2019 has dealt a grave harm to the secular notion of Indian citizenship. Combined with the BJP's avowed plan of an all-India NRC process, this shall mean an end to secularism and social justice within the country. The MHA's notification to begin the NPR (National Population Register) process by 1st April is the first step of the All India NRC/NRIC, as has been outlined in the CAA 2003 passed by the then NDA government."

Supreme Court Says A Child Cannot Be Kept In Jail

NEW DELHI:- "Even if bail is not granted, the child cannot be kept in jail or police lockup and has to be kept in an observation home or place of safety", said the Supreme Court, adding that juvenile justice boards are not meant to be "silent spectators."

The apex court emphasized that a juvenile cannot be kept in jail or police lockup.

A bench comprising Justices Deepak Gupta and Aniruddha Bose made this observation after two instances were cited pertaining to certain allegations published in the media in connection with children being purportedly detained and tortured in the police custody in Delhi and Uttar Pradesh.

"All Juvenile Justice Boards (JJBs) in the country must follow the letter and spirit of the provisions of the Act. We make it clear that the JJBs are not meant to be silent spectators and pass orders only when a matter comes before them," said the court citing the Juvenile Justice (Care and Protection of Children) Act, 2015, cannot be flouted, least of all by the police.

"The proviso to the section (of the Act) clearly lays down that a child alleged to be in conflict with the law shall not be placed in a police lockup or lodged in a jail. Once a child is produced before a JJB, bail is the rule," the bench said in the February 10 order.

The apex court is conducting a hearing on a matter which has raised the issue of exploitation of children at orphanages. The apex court had passed many directions already emphasizing child care institutions, including orphanages, to ensure their



safety and welfare.

The court noted that the JJBs can take note of the factual situation if it comes to their knowledge that a child has been detained in prison or police lockup. The court emphasized that it is the duty of the JJBs to ensure that the child is immediately granted bail or sent to an observation home or a place of safety.

"It is the duty of the JJBs to ensure that the child is immediately granted bail or sent to an observation home or a place of safety," the bench said.

The top court directed its registry to send a copy of this order to all registrar generals of the high courts so that "the order is placed before the Juvenile Justice Committee of each high court which shall in turn ensure that the copy of this order is sent to the JJBs to ensure strict compliance of this order."

The apex court observed the Sub-section (1) of the Act, which makes it clear that a

child alleged to be in conflict with law should be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person.

"The only embargo created is that in case the release of the child is likely to bring him into association with known criminals or expose the child to moral, physical or psychological danger or where the release of the child would defeat the ends of justice, then bail can be denied for reasons to be recorded in writing", said the court.

The court issued notices to the Uttar Pradesh State Commission for Protection of Child Rights and Delhi Commission for Protection of Child Rights and sought their response within three weeks.

The next hearing on the matter is scheduled on March 6. The court has also asked Centre and the National Commission for Protection of Child Rights to submit a report within three weeks.

Nirbhaya Case: Court Appoints Lawyer To Represent Death-Row Convict



NEW DELHI:- A Delhi court on Thursday appointed advocate Ravi Qazi to represent one of the death-row convicts, Pawan Gupta, in the Nirbhaya rape and murder case after his erstwhile lawyer denied him legal aid.

The court gave Pawan the "liberty to choose" his counsel from the list of empanelled advocates of the Delhi State Legal Service Authority on Wednesday.

Additional Sessions Judge Dharmendra Rana appointed Qazi after he was apprised that the death-row convict has refused to avail legal aid offered by DLSA.

Public Prosecutor Irfan Ahmad told the court, "The jail authorities approached Pawan but he refused to take legal aid and specifically said that he will not opt for a government lawyer."

The case pertains to the gang-rape and murder of a 23-year-old girl in the national capital in December 2012.

Out of the four convicts, Pawan is the only one who has not yet availed of the remedy of either curative or mercy petitions, which will be the last judicial and constitutional resort available to him.

Nirbhaya's Mother Expresses Dismay As Court Adjoins Case



NEW DELHI:- As the court battle over the hanging of four Nirbhaya case convicts continues, the mother of the victim, gang-raped and assaulted in December 2012 causing her death few days later, here on Thursday, expressed disappointment over the delay.

"How long should I remain patient? Everyday, I come to the court with new hope, only to go back disappointed," Nirbhaya's mother Asha Devi told a sessions court, after the plea for issuance of fresh death warrants against the four convicts was adjourned.

Additional Sessions Judge Dharmendra Rana adjourned the case till February 17 as the Supreme Court is set to pronounce judgment on February 14 on convict Vinay Sharma's petition against rejection of his

mercy plea. "Article 21 of the Constitution protects the life and liberty of condemned convicts till their last breath. A convict is entitled to exhaust all legal remedies and the court can't afford to ignore their fundamental rights," the judge observed.

The court also allowed Ravi Kazi, new counsel representing death-row convict Pawan, to study the matter after his earlier lawyer A.P. Singh refused to represent him.

"Kazi is entitled to some time for effective representation of Pawan so that the legal aid provided to him doesn't become an illusory or superficial exercise," the court said.

Of the four convicts, Pawan has not yet availed of the remedy of either curative or mercy petition.

Four Prisoners Die In 72 Hours In 2 Uttar Pradesh Jails

Four prisoners, serving sentences for separate cases, died in two Bareilly jails within 72 hours. The jail authorities said that the deaths were due to 'age-related ailments'.

The bodies of the prisoners were handed over to the families after the post-mortem.

One of the prisoners, Ramchandra, 74, from Pilibhit, had killed five people in 2001 and was serving a sentence at the Central jail. On February 8, he collapsed and was rushed to the district hospital, where he died during treatment.

According to doctors, Ramchandra died due to ischemic heart disease (IHD) with senile degenerative changes," added the jailer.

Similarly, on February 8, 58-year-old Ram Avtar, who was serving a life term in a murder case, collapsed at the district jail

and was immediately shifted to the district hospital, where he died during treatment.

Another prisoner at the district hospital, Hardwari, 87, who was also serving life imprisonment died due to hyper-tension.

The fourth prisoner at the district jail, Rajnish, 35, complained of chest pain and died shortly after. District Magistrate Nitish Kumar and Senior Superintendent of Police (SSP) Shailesh Kumar Pandey rushed to the central and district jails to take stock of the situation and to ensure that inmates are getting all facilities they are entitled to under the jail manuals.

District J.K. Senior Superintendent U.K. Mishra said: "It is a mere a coincidence that three prisoners lodged here passed away in the past couple of days."

NEWS MAKERS

Baby Mufflerman Invited To Kejriwal's Oath Ceremony

Baby Mufflerman, whose photos went viral on social media as the Aam Aadmi Party swept the Delhi Assembly polls, has been invited to the swearing-in ceremony of Arvind Kejriwal on February 16.

About one-year-old Avyaaan Tomar was spotted by the people at both Arvind Kejriwal's residence and at the Aam Aadmi Party office on Tuesday -- the counting day of the Delhi Assembly polls.

He wore a black muffler, a pair of spectacles and an Aam Aadmi Party cap to look like Kejriwal. While the family was told that Kejriwal will meet Avyaaan, this could not happen. The family left the party office



without meeting Kejriwal.

Now, the AAP said he has been invited for the swearing-in ceremony.

"Baby Mufflerman is invited to the swearing-in ceremony of Ar-

vind Kejriwal on February 16. Suit up Junior!," the AAP tweeted.

Kejriwal will be taking the oath as Delhi chief minister for the third time on Sunday at the historic Ramlila ground here.

Yogi Faces Terror Threat

LUCKNOW:- Intelligence agencies have alerted the Uttar Pradesh Police about a possible terror attack on Chief Minister Yogi Adityanath at the Gorakhnath temple in Gorakhpur.

According to the intel inputs, there is a possibility of the attacker entering the temple in the guise of a journalist.

Following the alert, the security of the Gorakhnath temple has been beefed up.

Sources said that the Gorakhpur police have been asked to prepare fresh photo identity cards of local journalists after proper scrutiny of their credentials.

Yogi Adityanath is known to maintain a distance from journalists in Lucknow but is easily accessible to the media in Gorakhpur. He also meets local people in the 'janata darbar' that he holds in the temple during his visits to Gorakhpur.

Bjp May Have Suffered In Delhi Polls Due To Hate Statements By Party Leaders, Says Amit Shah

NEW DELHI:- In his first comment on provocative statements by leaders of the Bharatiya Janata Party, Home Minister Amit Shah on Thursday said it was possible that such statements could have contributed to the party's defeat in national capital Delhi. "They should not have given such statements," Shah said at the Times Now Summit to questions on hate statements such as the "goli maro" slogan and comparing the Delhi election to a India vs Pak match. Shah said the BJP had distanced itself from these remarks and should not be construed as the party's position. "There are all kinds of people in the fray," he said.

Union minister of state Anurag Thakur, BJP's West Delhi MP Parvesh Verma and the BJP's Model Town candidate Kapil Mishra were banned from campaigning by the election commission for these inflammatory slogans and statements. While referring to protesters at Shaheen Bagh, Thakur had led party supporters to chant the "goli maro" slogan and Verma had said that the protesters will "rape and kill your daughters and sisters". Mishra, who called the election as a contest between "India and Pakistan" had also called the anti-CAA protest at Shaheen Bagh a "mini-Pakistan".