

KASHMIR OBSERVER®

Wednesday | 21-08-2024

Ensure safety for women doctors

The torture, rape and murder of a postgraduate trainee doctor at a government hospital in Kolkata has "shocked the conscience of the nation" as aptly described by the Supreme Court. The doctor was on night duty when she suffered this tragic fate. She was resting in the seminar hall of the hospital at the time when a civic volunteer who has since been arrested gained an easy entry to her. This has triggered widespread public outrage and protests by doctors who demand security at the hospitals, especially during night shifts. The case has since become heavily politicized. The Supreme Court has taken suo moto cognizance of the tragedy. The court has ordered the setting up of a National Task Force to recommend safety protocols for healthcare professionals at workplaces. The task force, which would include top doctors and government officials, will look into the situation and file an interim report in three weeks and a final report in two months. Importantly, the court has highlighted the problems facing medical institutions, including a lack of resting rooms and toilets, functional CCTV cameras, security personnel and screening for arms at entrances. It is these problems that made it easy for the accused to reach the victim and murder her at the Kolkata hospital.

The chilling crime should be a wake-up call for the administration in Kashmir. The healthcare institutions in the Valley are plagued by similar problems, and may be worse in some aspects than their counterparts in West Bengal and in the other parts of the country. Last week, doctors in Srinagar and Jammu, also staged protests against the brutal assault on the woman doctor in Kolkata. They also stressed on the urgent need for the government to devise a comprehensive security plan for the hospitals in the union territory in the wake of this incident. More so, for the female staff. It is no secret that the hospitals in the UT lack adequate security measures which can deter such incidents. In the recent past, even the AYUSH hospitals in the Valley have started night duty for their doctors including the female doctors. This despite the fact that these hospitals lack not just the security but also the infrastructure to handle admitted patients. More so, during the night when patients could develop serious complications. The women doctors are particularly vulnerable in the absence of credible security and the inadequate supporting staff. The situation may be slightly better at allopathic institutions but it is far from being ideal. It is time that the government intervenes in the matter and ensures that the doctors get all the required facilities during night shifts including security. Special care needs to be taken to make the night shift of the women doctors comfortable and, more importantly, safe.

Balancing Free Speech And Hate Speech

Where Should We Draw The Line?

Madiya Mushtaq

The Blacklaw's Dictionary defines hate speech as, "Speech that carries no meaning other than the expression of hatred for some group, such as a particular race, especially in circumstances in which the communication is likely to provoke violence." Over the past decade or so, the instances of hate speech have only increased over time. Hate speech has been unbridled and unchecked. On the contrary, free speech, spoken by the minorities- slightly critical of the government has been bottled up as hate speech with an additional rigor of locking any dissenting voice behind bars. Legislative initiatives to control free speech therefore naturally give rise to worries that attempts to prohibit hate speech could stifle criticism and dissent.

Fundamental elements of human rights and the foundation of democratic and free societies are the freedoms of speech and opinion. Other essential rights, such as the freedom of religion, to engage in public affairs, and to peacefully assemble, are supported by these freedoms. Unquestionably, social media and other digital media have strengthened people's ability to find, receive, and share knowledge and ideas.

Right to Expression under the Indian Constitution

The cornerstone of every democratic society on the planet is freedom of speech. At its core, free speech is the ability to communicate openly and to receive information from others. It is regarded as the main requirement for autonomy. It is regarded as the "mother" of all other freedoms and one of the most important civil liberties that is shielded from restriction or repression by the government. This fundamental right to freedom of speech and expression is guaranteed by Article 19(1)(a) of the Indian Constitution. The Universal Declaration of Human Rights (UDHR) defines freedom of expression as a human right, and the International Covenant on Civil and Political Rights (ICCPR) protects the right to free speech under international human rights law. Since the right to free expression is not unqualified, certain restrictions are placed on it under Article 19(2). Nevertheless, law is the only means of restricting the right to free expression. Within the scope of this freedom is the ability to publish, market, and spread information.

Only Indian citizens are entitled to the freedom of expression under Article 19(1)(a); foreigners are not granted this liberty. Freedom of speech and expression is the ability to openly express one's ideas and opinions through writing, art, publications, graphics, or any other medium. Therefore, it includes expressing one's ideas, emotions, beliefs, and thoughts through any kind of visual presentation or communication medium, including signs, gestures, symbols, and the like. A free person is entitled to the rights specified in Article 19 of the Indian Constitution. These are common law or natural law rights rather than statutory rights. Therefore, every citizen has the freedom to exercise these rights, subject to set restrictions.

Article 19(1)(a) of the Indian Constitution

Freedom of expression serves four broad special purposes:

- It enables an individual to accomplish self-fulfillment;
- It assists in the revelation of reality and the veracity of claims; it enhances an individual's capacity to participate in decision-making; and, aids in the knowledge of the truth, and the revelation of it.
- It supports and enhances an individual's ability to engage in judgment making; and
- It supplies a mechanism for striking a significant compromise between social cohesion and social transformation.

It's important to remember that the right to receive and transmit information has been included in the expanded definition of the right under Article 19(1)(a). The Supreme Court ruled in State of Uttar Pradesh v. Raj Narain that every citizen has the right to free expression and the freedom to receive and disseminate information on matters of public concern under Article 19(1)(a) of the Constitution. According to Secretary, Ministry of Information and Broadcasting, Govt. of India v. Cricket Association of Bengal, the freedom to gather and disseminate information is contained in Article 19(1)(a) of the Indian Constitution. The print media is a powerful tool for information dissemination and reception for every individual.

Origin and importance of the Right To Speech And Expression

India places a high value on freedom of expression. Its importance becomes immediately clear when one realizes that the preamble of the constitution guarantees everyone the freedom of expression, opinion, faith, worship, and religion, among other things. Article 19(1)(a) of the Con-



Hate speech belongs in this type of language that is damaging. It blatantly violates principles like equality, respect for one another, and unrestricted thought interchange that free speech is intended to uphold

Hate speech is defined by the Bureau of Police Research and Development as any language that disparages, insults, threatens, or targets an individual based on their identity and other traits (such as sexual orientation, disability, or religion, among others). This manual is intended to assist investigating agencies in cyber harassment cases.

The right to free speech is a fundamental component of democratic societies, even in a time when information and ideas may be shared more easily than ever. It is a fundamental freedom that gives people the ability to voice their opinions, question the current quo, and engage in intellectual exchanges. This freedom does have some restrictions, though. A dangerous abuse of this freedom is hate speech, which is defined as any communication that disparages or discriminates against someone based on their gender, race, religion, ethnicity, or other identification characteristics. It is critical to understand that hate speech contradicts the same ideals of equality, respect, and dignity that free speech is meant to uphold, and that it should not be tolerated under the pretense of free speech.

Hate speech is a violent kind of expression that can have serious negative effects on one's social and psychological well-being. It targets people or groups according to innate traits, encouraging animosity, violence, and discrimination against them. Unchecked hate speech can have disastrous effects, as history has demonstrated. In Nazi Germany, it fueled the Holocaust, and in Rwanda, it contributed to the genocide against the Tutsi population.

The consequences of hate speech are very severe in today's culture. It muffles the voices of those who are the targets by creating an atmosphere of fear and intimidation. This has the chilling effect of making members of marginalized groups feel as though they must avoid public discourse, which reduces the diversity of viewpoints that is necessary for a robust democracy.

The Limits of Free Speech

Although it is frequently defended as an unalienable right, freedom of speech has always had some restrictions. Around the world, when free speech violates other fundamental rights, it is restricted by legal frameworks. Laws against defamation, prohibitions on inciting violence, and prohibitions on the use of child pornography are a few instances of how society acknowledges that there are some forms of communication that are harmful and outweigh the advantages of free speech.

Hate speech belongs in this type of language that is damaging. It blatantly violates principles like equality, respect for one another, and unrestricted thought interchange that free speech is intended to uphold. We run the risk of weakening these ideals by enabling hate speech to proliferate unchecked, fostering a culture that values division and fear above communication and understanding.

Conclusion

Although it is an essential part of democratic society, the right to free speech is not inalienable. It is important to strike a balance between the right to free speech and the responsibility to protect people and communities from hate speech. The same values of equality, respect, and dignity that free speech is supposed to protect are undermined when hate speech is permitted to grow under the cover of the right to free speech. Therefore, limiting hate speech is not only justified but also essential to keep the marketplace of ideas as a forum for healthy discussion rather than a haven for violence, fear, and division.

Views expressed in the article are the author's own and do not necessarily represent the editorial stance of Kashmir Observer. The author is Advocate, Supreme Court of India and can be reached at madiyanadroo97@gmail.com

stitution establishes the fundamental right to freedom of speech, which is further reinforced by the Preamble. There is a long and rich history behind the freedom of speech. It can be found in the international human rights conventions of today. It is believed that the concept of free speech first emerged in the late fifth or early sixth century BC. Two of the main principles of the Roman Republic were freedom of speech and religion.

In India, insertion of a Constitutional Article was a major feat in crystallizing the right of freedom of speech in India. Democracy in itself bases itself on unhinged debates, discussions and dialogue which do not only act as 'corrective of government action' but also ensures proper checks and balances. It is obvious that having the ability to freely express one's opinions is crucial. The promotion and protection of free speech is the cornerstone of democratic governance. The democratic process cannot function properly without this autonomy. The freedom to express oneself and to engage in free speech is a prerequisite for autonomy. In the hierarchy of freedoms, it has a prominent position and offers protection and support to every other freedom. That it is the origin of all other freedoms is accurate.

A concise paragraph cannot fundamentally explain the evolution of right of freedom of speech in India, as this growth has not been linear, it has gone through its highs and lows, to reach a point where it has metamorphosed into a progressive concept now.

However, a peek into what rigor is existent on the present concept of freedom of speech is required to understand what constitutes 'hate speech' and whether what is censored as 'hate speech' can really be categorized as such.

Grounds for restrictions on Speech And Expression Freedom

Article 19(1) rights cannot be restricted by operative or departmental orders; only a "Law" has this authority. Complete or unrestricted freedom is impossible. Freedom of speech and expression is curtailed by Article 19(2) of the Constitution, which permits the State to impose "reasonable" restrictions on the grounds listed below.

- Sovereignty and integrity of India.
- Security of the State.
- Friendly relations with foreign states.
- Public order.
- Morality or decency.
- Contempt of Court.
- Defamation.
- Incitement to an offence.

Hate speech refers to statements meant to incite hatred toward a specific group, which could be a community, a religion, or a race. This speech might or might not be meaningful, but violence is probably going to happen.



Did you know ?

The Importance of Financial Advice for Wealthy Individuals

Irshad Mushtaq

Contrary to popular belief, having substantial wealth often necessitates needing more advice. The greater the wealth, the higher the stakes, and poor decisions can lead to significant financial losses. Wealth alone does not guarantee wisdom; good judgment is not something money can buy.

Globally, affluent individuals understand the value of professional guidance. They frequently employ teams of consultants and financial experts to safeguard and grow their wealth. The presence of these advisors reflects a recognition that managing significant assets requires more than just capital; it necessitates expertise and strategic planning.

Wealth does not inherently impart common sense, and historical context shows that accumulating money used to be more straightforward due to a lack of competition. In the past, investing in physical assets like showrooms or stores would reliably increase wealth. However, today's market dynamics are vastly different. The fiercely competitive environment demands that affluent individuals make well-informed decisions, often predicated on professional advice.

In the realm of investments, some individuals let emotions drive their choices or fail to seek professional counsel, overlooking the paramount importance of informed decision-making. Money should be seen as a tool to work for you, rather than something that controls you.

To illustrate, consider a worker earning 600 rupees a day. If they work 20 to 25 days a month, their monthly income ranges between 12,000 to 15,000 rupees, culminating in an annual income of 1.44 to 1.80 lakh rupees. Such earnings come from hard, often physically taxing labor. When managing and growing any amount of money, one must think carefully and strategically.

Assuming an investment yielding a 20% annual return, a capital of 10 lakh rupees is required to generate an annual income of 2 lakh rupees. This calculation underscores the importance of not making investment decisions based solely on emotions. Reliable, data-driven investment strategies often come from professional advice and thorough planning.

In conclusion, financial advice is invaluable, especially for those with significant wealth. Consultation with professionals not only mitigates risks but also ensures the efficient and effective growth of assets. Investing wisely, detached from emotional biases, and prioritizing professional advice can transform money into a powerful tool that works for the individual.

Learn from the insights of @IrshadMushtaq, writer, investor, entrepreneur & Founder of MI Securities! Connect for valuable financial advice at miscurities@bp.sharekhan.com

Cameras Over Cry for Help

Syed Aamir Sharief Qadri

Indeed, Allah has set a pre-determined time for everyone's death. Yet, when we receive the shocking news of a loved one's sudden passing, it feels as if our hearts freeze and our minds momentarily shut down. This is exactly what happened to me when I heard about the tragic death of my dear relative Sajad Ahmad Shah around 4:30 PM on August 16, 2024. The initial shock left me in a state of disbelief, but as the moments passed, I had to accept this harsh reality and find a way to cope with the profound sadness.

A motorcycle carrying two school teachers, Riyaz Ahmad Dar and Sajad Ahmad Shah, was involved in an accident in the Shopian district, which led to their deaths shortly afterward. The vehicle that ran them over so mercilessly was driven by a young boy who was not of legal driving age. While the victims' identities were established, the identity of the driver will also be determined. This issue will be resolved by the police and the court. However, there is something important I need to say about this incident, so please listen carefully.

After the burial, while I was on my way home, I stumbled upon a one-minute video clip on social media that left me deeply disturbed. The footage, taken just minutes after the accident, shows the two victims in their final moments, gasping for breath while bystanders stood around them, turning their suffering into a spectacle. The cameraman recorded their last breaths without anyone coming forward to offer assistance; instead, people watched from afar, numb to their pain.

This video starkly highlights the cruelty and insensitivity of the person who filmed it. By recording and then sharing this footage on social media, he committed two profound wrongs: first, by capturing the victims' final moments, and second, by broadcasting their suffering to the world. Even if Allah might forgive the first act, the second is unforgivable. This individual has turned the anguish of griev-



ing families into a public spectacle. Imagine the torment of the victims' loved ones as they watch this video—how could anyone be so callous? Those who exploit such tragedies for their own purposes must be held accountable.

The scenes following the accident were deeply sorrowful. As the truth came to light, it was revealed that there had been a delay in taking them to the hospital. They had sustained severe injuries, making survival almost impossible. What will forever haunt their family and loved ones is the realization that no one made an effort to save them in their final moments. No one stepped forward, no one held their heads gently, and no one tried to tend to their wounds. The absence of compassion in their last moments adds to the profound sorrow of their loss.

Witnessing someone's death

should shake a person to their core, but these people turned death into a show. They mocked the very sanctity of life in its final moments. How can anyone with a beating heart in their chest watch such a terrifying scene of death as if it were just entertainment on a TV show? It's incomprehensible that they could be so cold and indifferent, treating a moment of profound sorrow and loss as mere entertainment.

There is a big difference between imagining something and seeing it with your own eyes. Before this video went viral, the pain might not have been as intense as it is now after seeing the footage. Who would want to see a family member, relative, or friend in such a state? As if the news of the accident and the mourning for their burial wasn't enough, this cameraman decided to make things worse by sharing the video to gain views, adding



Here, if someone had an accident, people would rush them to the hospital without a second thought. Today, for the first time, we're witnessing something different, something heartbreaking. It's as if even in Kashmir, the spirit of humanity has begun to fade

to the suffering of the victims' families. There is no shortage of such heartless individuals in the world who exacerbate others' misfortunes.

The pain of losing someone isn't as devastating as witnessing their death being turned into a public display. Just minutes after the accident, when a friend of Sajad Ahmad Shah was desperately crying out for help, no one came forward. A grieving friend was holding his deceased companion, pleading for help, but no one answered his call. This heart-wrenching incident should serve as a powerful lesson for all of us. When someone is in desperate need, no law should stand in the way of offering help.

I understand that strict traffic laws can discourage people from rescuing those in crisis, as helpers might be held responsible during police investigations, making people hesitant to in-

tervene. However, it's crucial to remember that humanity should always come before the law. If you leave victims alone in such situations, you will regret it for the rest of your life, and perhaps Allah may not forgive this mistake. Remember, those who act according to what is right are never wrong.

According to some, a few people in the crowd helped the driver and three others escape. The underage boys were speeding and recording videos for fun. When they hit a pothole, they swerved into oncoming traffic, lost control, and ran over the motorcycle. Before this accident, the same boy had driven recklessly on this road at high speed four times, despite multiple warnings from people throughout the day, which he ignored.

The question isn't simply whether these young children are to blame for the tragic deaths of their teachers. The real, heartbreaking question is how children like this can emerge in a society that is guided by well-respected and revered educators. This wasn't just an accident but a result of reckless behavior. We must reflect on why the new generation is increasingly involved in illegal activities. Despite teachers' dedication to educating our children, many students skip school and waste time aimlessly. What kind of upbringing is this? Instead of being respected, our teachers are being mistreated, undermining the very foundation of our society.

It's a harsh truth that outside of Kashmir, when accidents happen, people often ignore the victims until the police arrive. But this was never the case in Kashmir. Here, if someone had an accident, people would rush them to the hospital without a second thought. Today, for the first time, we're witnessing something different, something heartbreaking. It's as if even in Kashmir, the spirit of humanity has begun to fade.

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How to Stop Overthinking

Nir Eyal

We all dwell on unresolved personal conflicts from time to time. Who hasn't ruminated on a hurtful comment or unintentional harm we might have caused someone? Feeling bad about something you did, or something done to you, is human. Congratulations on not being a psychopath!

But while it's expected that the arguments we've had, the negative events we've experienced, and the major decisions we face haunt us, overthinking can also pile on new problems.

Rumination, or "overthinking," is a hallmark of poor mental health and unhappiness. It is a psychological tendency that, if left unchecked, can reduce our enjoyment of life, ensuring we are never satisfied for long.

Yes, there are benefits to analyzing the past. But too much rumination can torment you and, worse, cloud your judgment about how to proceed into the future. The consequences of too much rumination are focusing on problems rather than solutions, sacrificing the present moment, and losing productive time, sleep, and healthy relationships.

Studies show there's a way to circumvent rumination, which has myriad benefits, including helping us to overcome distraction in a world that has evolved faster than we have.

What Is Rumination?

Rumination is our tendency to keep thinking about bad experiences. It's quite different from healthy self-reflection.

If you've ever chewed over something in your mind that you did, over something that some-



one did to you, or over something that you don't have but wanted, over and over again, seemingly unable to stop thinking about it, you've experienced what psychologists call rumination.

This "passive comparison of one's current situation with some unachieved standard," as described by the authors of a study on rumination, can manifest in self-critical thoughts such as, "Why can't I handle things better?"

Another study notes, "By reflecting on what went wrong and how to rectify it, people may be able to discover sources of error or alternative strategies, ultimately leading to not repeating mistakes and possibly doing better in the future." A potentially valuable trait—but, boy, can it make us miserable.

Rumination impairs decision-making and worsens physiological stress responses, and it's cor-

related with not only leading to depression and anxiety but also increasing their severity. It can prompt us to distraction, and it's one of four psychological factors that drive us to dissatisfaction.

Thankfully, some studies have found a way to rewire our rumination into wisdom.

Taking Yourself Out of the Equation

Have you ever tried talking about yourself in the third person? The practice, called *illeism*, goes at least as far back as the Ancient Greeks. (There's still a lot we can learn from the Ancient Greeks.)

Several modern-day studies show that talking about yourself in the third person allows you to see past your personal biases and improve decision-making and emotional regulation.

How does it do that?

Illeism is a form of "self-distancing" that allows us to circumvent Solomon's paradox: the idea that we are great at applying wise reasoning to others' lives but terrible at applying it to our own. (Many studies validate Solomon's paradox as social cognitive bias, though the psychological mechanism behind it remains unclear.) Distancing ourselves from our problems helps us to see them as clearly as we would another person's.

That's why *illeism* is a powerful method for breaking the cycle of rumination. It allows you to observe your thoughts and feelings objectively rather than getting caught up in an emotional storm. By referring to yourself as he, she, or they—or whatever third-person pronoun you prefer—you detach from the immediate experience and gain a broader perspective.

In this way, *illeism* is similar

to talking to yourself as a friend would, another method for beating negative thoughts and self-talk.

Several studies—many conducted by psychologist Igor Grossmann at Canada's University of Waterloo—have found that practicing *illeism* to defeat rumination makes us wiser.

According to Grossmann, wise reasoning includes intellectual humility, recognition of uncertainty and change, others' perspectives and broader contexts, and compromise. He also found that wisdom is better than intelligence at predicting emotional well-being and relationship satisfaction.

Grossmann's 2021 study shows that *illeism* can even help us build a long-term habit of being wise: For four weeks, almost 300 participants kept a daily diary describing a new social conflict or "irritating interaction."

Half the group wrote in the third person, the other in the first person. Before and after the monthlong exercise, two psychologists scored each participant on wise reasoning.

The study found that those who wrote in the third person improved their "intellectual humility, open-mindedness about how situations could unfold, and consideration of and attempts to integrate diverse viewpoints." According to Grossmann and his co-authors, "This project provides the first evidence that wisdom-related cognitive and affective processes can be trained in daily life."

How to Use Illeism to Become Indistractable

To use *illeism*, a powerful cognitive-reframing tool, take a note from Grossmann's study and journal in the third person about

your conflicts. You might practice *illeism* during a daily 15-minute morning brain dump, which will not only reduce rumination and make you wiser but also alleviate the internal triggers, or negative feelings, that drive you to distraction. Conquering internal triggers is the first step in my four-step model to become "Indistractable."

If you're not the type to keep a diary, you can get those same benefits by visualizing your conflicts from a third-person perspective or relaying them to yourself in the third person, either aloud or in your head.

Think of a recent conflict with a romantic partner, a friend, or boss, or picture a significant life decision you've had to make. Describe that situation in the third person.

Here's a one-sentence example if I were to try *illeism*: I'd replace "I was annoyed that they complained to me about distraction but hadn't read *Indistractable*" with "Nir was annoyed that they complained to him about distraction but hadn't read *Indistractable*."

If you're talking to yourself rather than writing, make it more realistic by addressing yourself in the mirror: Pretend you are a therapist or some other wise figure and give advice to your reflection, the "client."

Using *illeism* to combat rumination will do wonders for controlling your attention and boosting your focus, ultimately helping you to develop the most important skill of the future: being "Indistractable."

The article was originally published by Psychology Today

