

When you go into court you are putting your fate into the hands of twelve people who weren't smart enough to get out of jury duty.
Norm Crosby

Government yields to Oppn on triple talaq

Faced with an Opposition determined not to allow the anti-triple talaq Bill in its present form, the Government had to yield and agree to send the Bill to the Select Committee. The main objection of the Opposition was about the penal provisions of the Bill. If a husband giving triple talaq to his wife is arrested and sent to jail, how he would be able to provide maintenance to his divorced wife? This was the question the Opposition asked and to which the Government did not have a convincing answer. Instead, the Treasury Benches tried to get the Bill passed in the Rajya Sabha by raising procedural objections to the manner in which the Opposition was 'obstructing' the passage of the Bill. But outnumbered in the Rajya Sabha the Government had to retreat.

Finance Minister Arun Jaitley should have realized the Government's numerical weakness in the Rajya Sabha and should have done at the very outset which he had to do at the end. As things stand now, unless the Bill is amended on the lines suggested by the Opposition, there would be a deadlock again in the budget session also. Smooth passage of such Bills requires prior consultation with the Opposition particularly when the Government lacks majority in the Upper House. If such consultations had taken place and a consensus reached, then it would have been easy to isolate the orthodox elements in the Muslim community which hold that the Muslim Personal Law cannot be unilaterally changed. These elements should have been isolated and exposed before the Muslim community and the fairness and justice of the proposed Bill should have been explained. The Mullahs and Maulavis still have an unchallenged grip over their community and they think that they can issue fatwas on anything and these fatwas are binding on the Muslims even if these go against the principles of natural justice.

The religious orthodox bars the door to progressive reforms. Sometimes it becomes unavoidable to pass laws, as in the case of triple talaq, but the clerics try to misinterpret such laws as amounting to encroachments on the rights of the Muslims. Many ignorant Muslims just do not know that the Holy Quran does not provide for triple talaq. In the present situation when the minority community is being targeted by fringe elements, their fears can be easily exploited by the clerics to oppose even long overdue reforms. All political parties should try to reach the Muslim masses, explain the necessity of reforms and remove their doubts and misgivings.

Hurried passage of Bill Criminalising Triple Talaq

REFLEX ACTION

Amritananda Chakravorty and Mihir Samson

- i. **Stay against the Wire vacated** - The injunction passed against the 'The Wire' restraining it from publishing the article on Jay Amit Shah's Company, Temple Enterprises has been vacated by the 4th Addl. Senior Civil Judge, Ahmedabad (Rural), Mirzapur. The Senior Civil Judge noted that the Wire had presented information which it had collected from public record and Jay Shah had not challenged the veracity of the facts or the fact the Wire had misrepresented the facts. There was just an apprehension of loss of reputation so the stay had to be vacated. But the order placed a restriction to the extent that the Wire was not allowed to make references to the PM. [Special Civil Suit No. 442 of 2017, date of order: 23.12.2017]
- ii. **Lalu Prasad Yadav and others convicted in fodder scam** - A Special CBI Court in Ranchi has convicted the former Bihar Chief Minister, Lalu Prasad Yadav, and fifteen others in the fodder scam involving embezzlement of Rs. 89 lakh between 1991-94. Though the court will pass its sentencing order in January 2018, Yadav and the others have been taken into custody following his conviction in another case related to the fodder scam. Yadav was disqualified from Parliament and from contesting elections in 2013.
- iii. **Direction issued to make child care leave to female employees mandatory** - The Madhya Pradesh high court has issued directions to ensure that all female employees should get child care leave. This came as a response to a petition filed by a woman employee seeking direction to her employers to grant her child care leave. The Court gave a direction to the Chief Secretary to write to all concerned regarding child care leave so that women employees are not required to file such petitions expending their own resources and time. [Smt. Shilpi Suryawanshi v The State of Madhya Pradesh, Writ Petition No. 20586 of 2017, date of order: 01.12.2017]

- iv. **Journalists challenge media gag order in Sohrabuddin case** - A group of journalists in Bombay has approached the Bombay High Court challenging the gag order passed by the Special CBI judge, Mr. S.J. Sharma, on November 29, 2017 in the trial of alleged fake encounter of Sohrabuddin Sheikh, and two others. The order does not bar the media from being present in the trial but it forbids it from reporting any of the proceedings. The petition challenges this order by arguing that the judge had no power to pass such an order under the Cr.Pc. The basis of the order was the Judge's fear of misreporting, but the petition highlights that there has been no case of misreporting in the past 5 years. [Sunil Baghel v State of Maharashtra, Writ Petition No. 5434 of 2017]
- v. **Experienced lawyers should be provided in the name of legal aid** - The Bombay High Court in a significant decision has passed a series of directions highlighting the importance of providing experienced and appropriate lawyers as part of legal aid to the accused as well as directions on the procedure to be followed when there is an apprehension that the accused was not mentally sound. The High Court directed that "in case of sessions triable offence, it is the duty of the Sessions Judge that sufficiently experienced lawyer should be provided for conducting the

- vi. **Special NIA court drops MCOCA charges against Sadhvi Pragya and others accused in Malegoan blasts case** - The Special NIA Court refused to discharge Sadhvi Pragya. Lt Col Prasad Purohit and other accused, barring three. But the court did drop charges under Maharashtra Anti-Terrorist Squad under MCOCA. Now most of the accused will be tried under the IPC and the Explosive Substances Act, 2008.
- vii. **GSPL's plea restraining GAIL from supplying natural gas for OPAL in Dabhej SEZ dismissed** - The Gujarat High Court has dismissed the claim of Gujarat State Petronet Limited (GSPL) and Dabhej SEZ Limited (DSL), to exclusively lay natural gas pipelines for ONGC in the Dabhej SEZ area. DSL and GSPL had entered into a co-developer agreement in 2009, which was later extended in 2012 for the transmission of natural gas. In 2017, GAIL applied for permission to transport natural gas which was granted in principle. The action was challenged by GSPL on various grounds. But the court refused the claims on the ground that GSPL had concealed an important correspondence, whereby it allowed ONGC to approach other parties as it would be unable to meet its demands. The Court further upheld the ability of the Committee to grant the approval. [Gujarat State Petronet Limited v GAIL India Limited, Letters Patent Appeal No. 2619 of 2017, dated 27.12.2017]. (IPA/Concluded)



A labourer takes selfie atop a high-rise underconstruction building during a sunny afternoon in Thiruvananthapuram

Conventional Crossword

1	2	3	4	5	6
7			8		
9		10	11		12
13			14		
15		15		16	17
18			19		20
		21		22	23
24		25		26	
		27		28	
29			30		

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|-----------------------|--------------------------|
| ACROSS | DOWN |
| 1 Floating structures | 1 Edges |
| 4 Halt | 2 Fragrances |
| 7 Anger | 3 Festivity |
| 8 Zodiac sign | 5 Digit |
| 9 Family phrase | 6 Insufficient |
| 12 That following | 10 Faucet |
| 13 Rubbed with oil | 11 Mountain nymph |
| 15 Writing instrument | 14 Register |
| 16 Eyelid affliction | 17 Essay on a theme |
| 18 Tree | 18 Theban |
| 19 Land measure | 20 Before |
| 21 Embellished | 21 |
| 24 Thunder god | 22 Back of the neck |
| 26 Letting contract | 23 Disposition of a blow |
| 27 No score | 25 Number |
| 28 Fastener | |
| 29 Regretted | |
| 30 Search | |

SUDOKU: 2081

3			1		7
	1		2	6	
	6		7	1	3
7	8			3	6
2	5				8
6		3			9
	3	2	7		5
			1	4	7
5		2			9

Yesterday's Solution 2080

3	1	4	7	5	6	9	8	2
7	8	9	4	2	1	5	3	6
5	2	6	9	8	3	4	7	1
6	5	1	2	4	7	3	9	8
9	7	3	1	6	8	2	5	4
2	4	8	5	3	9	1	6	7
8	3	5	6	1	4	7	2	9
4	6	7	3	9	2	8	1	5
1	9	2	8	7	5	6	4	3

Yesterday's Cross Word Solution 089

T	A	R	O	S	C	A	N	T
A	C	U	M	E	N	S	U	E
C	E	D	E	O	A	S	T	S
T	E	N	R	O	L	T	Y	
S		S	O	P	E	N		
S	T	I	D	E	A			
N		C	E	D	A	R	A	
A	S	P	E	N	C	R	O	P
P	O	I	T	H	R	O	N	E
S	T	E	P	S	E	W	E	S

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Corbyn and detractors

FOCUS

Arun Srivastava

Since the Brexit issue has come to be directly related to the sovereignty of the country, the Labour leadership must be clear. It is significant in the poll, 63 percent of self-identified Labour supporters say they would be "delighted or pleased" if Labour said it would stop Brexit and stay in the European Union. By contrast, only 22 percent supporters said they would be delighted or pleased if Labour said it would proceed with Brexit and ensure the UK leaves the EU. March 2019 is the d-date by which the complex issues involving Britain's divorce from the EU need to be resolved. In fact, the issue has to be finalized at least six months ahead of this cut off time. It will take at least six months for the European parliament and the EU's 28 members to ratify any agreement. It is really sad that the Conservatives themselves are split on what they want. While one faction is pressing for a "hard Brexit" that abandons the single

market, the advocates of "soft Brexit" faction would accept EU regulations and the Court of Justice, because they are afraid that bailing out of the single market will damage the British economy. It is a known secret that talks between Britain and the EU are not making any significant progress. The primary reason is that the EU is not sure May can deliver or the present government will continue to rule Britain till next general elections in 2022. With Labour on the ascendency EU members are in no rush to settle things. It appears that Corbyn is correct in his estimate that it is not Britain's exit from EU but anger at the growing inequality, increasing job insecurity, a housing crisis, and EU strictures that have turned economic strategy over to unelected bureaucrats and banks. It is the inability of May to effectively face the crisis that has turned British insecure. For them, at this stage, preserving and protecting the interest of Britain is

upper most in their minds than anything else. Basically, this has been the reason that some people have approached Corbyn to come forward and protect the country through counseling Labour supporters and cadres. In fact, this underlines the faith the people have in Corbyn. The people of Britain desperately need a strong and united team to negotiate a Brexit that serves their interests. The Tories cannot provide it. Labour can, but it will have to distinguish between access to the EU single market and submission to that market's pro-big business rules and institutions. The UK wants to talk about future trade relations and a plan for a two-year "transition" period to smooth the way to post-Brexit

relations. But the EU says they will not talk about the future until enough progress has been made on the other issues. Shadow Brexit secretary Sir Keir Starmer had announced in August that his Labour party wanted to keep the UK in the single market and a customs union during a transition that could last for up to four years. Labour would also accept free movement of people, payments into the EU budget and the jurisdiction of the European Court of Justice during the transition. The single market is seen as the EU's biggest achievement. Britain was a member of a free trade area in Europe before it joined what was then known as the common market. The European Union

single market, which was completed in 1992, allows the free movement of goods, services, money and people within the European Union, as if it was a single country. Those campaigning for Britain to stay in the EU say it got a big boost from membership. They hold that Britain's status in the world would be damaged by leaving and that the country is more secure as part of the 28 nation club, rather than going it alone. If Labour is ever to return to power, it must capture another 64 seats in Parliament, that requires a 3.5 per cent swing away from the Conservatives. Preaching to middle-class liberals will not be enough, since almost all those 64 most winnable constituencies contain a high concentration of Brexit-supporting voters. Corbyn has to strive hard and dispel any misconception amongst the voters, especially the youth, his new support base, about his role as well as party's position on Brexit. (IPA/Concluded)