

# THE BEACON

PRACTICE NEWS BULLETIN OF THE PG STUDENTS OF JOURNALISM AND MASS COMMUNICATION

Tuesday, 06 September, 2022 / St. Joseph's College (Autonomous) / Vol: 15 Issue: 05 / www.sjcdeptcomm.wordpress.com

## Criminalisation of activism: A threat to India's democracy

Gabriella Symss

**BENGALURU:** "Presently, (if) we step into a court, we know we are not getting justice," said senior advocate Prof Ravivarma Kumar, former Advocate General to the Karnataka Government. He was speaking on the trend of criminalisation of activism in the country and was joined on the panel by Aakar Patel, journalist and writer, and Radhika Chitkara, a doctoral fellow at the National Law School of India University.

The talk held on 3 September at Ashirvad, St. Marks Road, centred on the use of judicial proceedings against activists. It also stressed the use of judicial proceedings by activists and the public in the fight to uphold rights.

"Procedure is a substantive right by which one can demand checks against State power," said Radhika Chitkara. She opined that our courts are supposed to be open and that public documents such as First Information Reports should be better utilised.

She spoke about the misuse of the Prevention of Money Laundering Act (PMLA), as well as the misuse of Enforcement Case Information Reports (ECIR). Under the PMLA the burden of proving one's innocence rests on the accused. The ECIR is designated as an internal document and therefore the accused cannot see the allegations levelled against them, she said.

## Under PMLA, if you remain silent, you will end up in jail: Former AG Prof Ravivarma Kumar

Bincy Joseph

**BENGALURU:** While speaking at a panel discussion on 'Criminalisation of Activism' on Saturday, former Advocate General Ravivarma Kumar opined that the law in India was not draconian but the judgements passed off late are draconian.

He said the commonality between the three cases - Zaki Jafri, Himanshu Kumar, and Prevention of Money Laundering Act (PMLA) - is that Justice AM Khanwilkar headed all three benches on the eve of his retirement.

The impact of each one of these judgements is overwhelming and needs to be

considered independently, said Kumar. He narrated the impact of these judgments by referring to a story in Ramayana where a frog that Lord Rama crushed was asked why it didn't make any noise. The frog responded that when others hurt him, he chanted Lord Rama's name. But when Lord Rama himself inflicted pain he took it as a blessing. Similarly, the Unlawful Activities Prevention Act (UAPA), PMLA, and Terrorist and Disruptive Activities Act (TADA) are used to crush those who look up to the judiciary, forcing them to accept it. Kumar stated that in PMLA, the burden

of providing proof to establish innocence, under Section 24, is upon the accused and he is presumed to be guilty by the court until proven innocent. The Enforcement Case Information Report (ECIR), an equivalent of FIR, is considered an internal document and is not given to the accused. Throughout the procedure, the accused do not even know the details of the allegations against him. Kumar mentioned that one of the panel members at the event, journalist and activist Aakar Patel, would have been in jail on the basis of a Look-out Notice (LOC) filed by

the CBI under the PMLA act. "If Aakar wasn't proactive enough to get bail before this judgement he would have been in jail. The state of all activists in the country remains the same if judgements like these are not reviewed," he added.

The Supreme Court is considering the plea seeking a review of its earlier judgement, upholding the constitutional validity of anti-money laundering provisions including the powers of arrest and seizure, said Kumar. "One of the fundamentals of our jurisprudence is to let one hundred guilty men escape, but no in-

nocent man should be held."

The greatest guarantee of jurisprudence is that the accused need not speak and has a right to be silent. Our Constitution, under Article 20, guarantees the right to remain silent but now when charged under acts like PMLA, if the accused remains silent, he remains in jail," he opined.

The event took place at Ashirvad, Bangalore, and was organised jointly by the All-India Lawyers Association for Justice (AILAJ), People's Union for Civil Liberties (PUCL), and Association for Protection of Civil Rights (APCR).

## Row, row, row your boat down Sarjapur street

Trupti Khillare

**BENGALURU:** The city witnessed yet another day of severe rainfall, wreaking havoc on the life of the citizens. Sarjapur Road was the worst affected area - visuals of stranded vehicles and submerged houses in about a foot of water did round around the internet. Ana George, a student of St Joseph's University, who resides in Sarjapur said to The Beacon, "There was a pool of water early in the morning and water gushing into our homes. As compared to last week, this rain has been



Monday blues from driving through Bellandur

Trupti

very damaging to us. We were trying to move things in our homes like electronics, and furniture to keep them in a safer place. Expensive cars of people were affected due to the flooding." She further said, "Early in the morning boats started coming in to help us, fire brigades were sent and then most

of us reached a safer place." Ana opined that one of the main reasons is that Sarjapur road is the busiest area in Bengaluru and the other is the illegal/new constructions happening in the area.

She further explained, "There might be some illegal constructions done on this erstwhile agriculture land; and as the entire

Sarjapur area was supposed to be a lakebed before and there are still lakes near my area and there is no proper way for the rainwater to flow."

Commuters were affected due to the waterlogging caused by floods. "There was a traffic jam on the Sarjapur road starting from the WIPRO area, and the traffic affected the total time it takes to reach my office," said Manish, who travels through Sarjapur road every day. "Many vehicles were damaged due to the rainwater affecting the engines, which led to traffic jams in the area," he said.

## Remorse must be a key criteria for remission

Blessy Jeremy

**BENGALURU:** The rule of law in India, our constitutional morality stands upon the spirit and fairness with which it is applied, said Aditya Sondhi, senior advocate and former Additional Advocate General of Karnataka, in a webinar titled "Remission of Convicts in Bilkis Bano Case: Legality and Justice" on Saturday.

Sondhi highlights the issues of legality in the recent order by the Gujarat Government, granting remission to 11 convicts in the Bilkis Bano case. He opined that the Union Government and the judge who passed the sentence should have been consulted on this matter. Sondhi quoted Justice Deepak Gupta, a retired Supreme Court judge, in asking whether it is a coincidence that all 11 of the convicts met the criteria required for remission and if all of their conduct, while in jail, was identical enough for them to be released on the same day, by the same order.

"I believe the key criteria would be the remorse that the convicts show in a given case," said Sondhi. The human element of contrition justifies release. The public images are to the contrary, he said.

B R Aparna, State President of the All India Mahila Samskritik Sangathan, said in the webinar, "The abuse of law is curbing women's rights. Those who ought to be punished roam free, and those who speak for the people are jailed under wrongful allegations."

The webinar was organised by the Concerned Citizens of India (CCI), Karnataka with social activist G S Kumar as the moderator.

## Asia Cup 2022: 'India can keep their heads held high'

Joel P Anto

The Indian Cricket team got defeated by Pakistan in a nail-biting Super 4 round match of the Asia Cup 2022 on Sunday at the Dubai International Cricket Stadium.

Speaking about the debacle, Manoj, Kerala cricket Under-14 coach, told The Beacon, "The tournament is not yet over, and even though India ended up losing, it's full of positive learnings to take into the next matches ahead."

After Pakistan won the toss, India was sent in to bat. Despite reaching 180+ runs, the total runs scored remained unimpressive because India started off energetically. Analysts say an additional 20-30 runs would've given them the



Kabhi khushi kabhi gham

cushion they needed to defend on a batting-friendly track. In response, Pakistan batted steadily, took calculated risks, and chased the target with one ball to spare. "Men in Blue lost the game as a result of a few mistakes that took place at the match-defining

moments. Despite the loss, the Indian team's new strategy is something to look forward to; Rohit's blistering start, KL Rahul's resurgence, and Kohli's improved batting are all positive signs for this team for the remaining games as well as the T20 world cup ahead," he added.

## Teaching beyond the books, through their lives at SJU

Bincy Joseph,

**CAMPUS:** There are two types of teachers, those that teach as a part of their profession and others who teach with passion, said Fr Victor Lobo, the Vice-Chancellor of St. Joseph's University (SJU), Bangalore, while addressing the gathering during the celebration of Teachers' Day 2022. Fr Lobo drew a comparison between the teachers at SJU and St. Mother Theresa on the occasion of her 25th death anniversary by narrating stories of her extraordinary service and kindness. He opined that teachers are people who teach not just through books but through their lives as well. Amitha Priyadarshini, a faculty from SJU's Department

of Commerce said, "I have seven years of experience as a teacher and I belong to a teacher's family. I took up this vocation because I was inspired by my teachers, and being a teacher, every year you meet different kinds of students. But technology is never a threat to teachers and will never replace them as classroom learning always requires a human touch."

The celebration also entailed a variety of performances dedicated to teachers by both students and faculty members. Dr Ronald Regina, Dr Melvin and other teachers of the institution were also present during the occasion.