



JUSTICE DHARMADHIKARI CALLS UPON ADVOCATES TO HELP DEPRIVED SECTIONS INAUGURATES E-LIBRARY AT NAGPUR BENCH OF HIGH COURT



The chairman of Madhya Pradesh Human Rights Commission Justice Shri D.M. Dharmadhikari has called upon the Bar Association to constitute committees on different issues of public importance to help the deprived sections get justice. Shri Dharmadhikari was

speaking after inaugurating a R.K. Manohar memorial e-library and website of the Bar Association at Nagpur bench of the High Court on April 5, 2010. The Chief Justice of Maharashtra High Court Justice Shri A.R. Dave, Justice Shri D.D. Sinha, President of Nagpur Bar

Association Shri Anand Jaysawal, Secretary Shri Kishore Lambat and others were present on the occasion.

Justice Dharmadhikari said that the role of lawyers has been ended by the new law on domestic violence against women and the law for protection

of senior citizens. Already, law has become quite expensive. That is why various people have started seeking solution to their problems through alternative grievances redressal systems. Shri Dharmadhikari said that in the given circumstances the advocates should constitute committees for discussions on various issues of public interest and help the deprived sections secure justice. He said that now education has been made a fundamental right but adequate funds are not available with the central and state governments for its implementation. He said that now the cases pertaining to senior citizens would not go to the courts of law but to the Sub Divisional Magistrates. Similarly, even boards have not been constituted in the Juvenile court in many districts. The appointments of patron officers

are yet to be made for implementation of the law on domestic violence against women. Shri Dharmachikari said that merely framing of a law is not sufficient; there should be infrastructure to enforce it. He said that the e-library and website would be very helpful to the advocates to access reference of cases decided by the High Courts and the Supreme Court.

Justice A.R. Dave described the e-library and the website as the temple of knowledge in the modern times. He said that the Nagpur bench of the High Court has a rare privilege that renowned jurists like Justice Hidayatullah, Dr. Harisingh Gaur and Shri R.K. Manohar had served it. Thus this bench has greatly contributed to judiciary in the country. He advised the young lawyers to regularly use the e-library. He said that it

would update their legal knowledge.

Justice Shri D.D. Sinha said that how can judiciary remain intact from the revolutionary changes brought about by Information Technology. It helps quicker dispensation of justice to the appellants. He said that latest information and knowledge brings about a positive change in the attitude of lawyers.

The President of the Bar Association Shri Anand Jaiwsal delivered the welcome address and said that a sum of Rs thirty lakh has been collected as donation for establishment of the e-library and the website. Senior advocate Shri V.R. Manohar has donated Rs ten lakh for this purpose. He said that nominal fee would be charged for use of the e-library from the lawyers. Shri Pramod Abhyankar proposed a vote of thanks.



JUDGES SHOULD PLAY EFFECTIVE ROLE IN HUMAN RIGHTS PROTECTION

JUSHRI SHRI DHARMADHIKARI

The chairman of M.P. Human Rights Commission Justice Shri D.M. Dharmadhikari has said that judges can also play a significant role in protection of human rights. He was addressing a function organized on April 24, 2010 in the auditorium of District and Sessions Court, Bhopal in the light of section 176(i) (a) of the Judicial Magisterial Enquiry and Criminal Procedure Code (amendment) Act, 2008 about the causes of death.

At the outset, the District and Sessions Judge Shri Subhash Kakade briefly spoke about the amendment and said that Justice Shri D.M. Dharmadhikari has wide experience of judicial functioning and is playing his present responsibility of chairman of M.P. Human Rights Commission very efficiently. Whatever he speaks here would serve as guidelines to the judges here.

Shri Dharmadhikar said that there is wide difference between trial and enquiry of a case and the enquiry of an executive magistrate and judicial magistrate should be separate on the basis of quality, as it is the minute enquiry of an incident,

quality and presentation of facts decides the direction of proper justice and the judges are well aware of this. If they enquire into a death case, they should deeply go into the relevant facts and make minute mention of every aspect of the incident so that the accused may not get a clue to help him go Scot free. He said that our judges are overburdened with work that leaves them little time and will for innovations, so they continue to follow the conventional practices. However, they should think out of box and innovate, he added.

Shri Dharmadhikari said that the National Human Rights Commission gets the enquiry of custodial deaths conducted by judges, because in its view the judicial magistrates can do it more fairly than executive magistrates and their quality would be better. The judges should view it positively. He also referred to the lack of doctors and forensic experts which affect the quality of action. The Human Rights Commission summons enquiry report in cases pertaining to deaths in jails, custody and rape. He said that the guidelines provided in the D.K. Basu case

have been incorporated in the Criminal Procedure Code (amendment) Act, 2008. The judges should conduct the enquiries by taking keen interest which would help in protection of human rights and people's faith in justice would be deepened.

Shri Dharmadhikari suggested that about the judicial enquiry under section 176(i) (a), training module should be got prepared by the Judicial Academy which would be very helpful for the judges and the quality of enquiry would also improve. He also dwelt at length on medical negligence and desired the judges to register the medical negligence that may be committed in any aspect of the case so as to ensure clarity during trial. He apprised the judges of the different attitudes and examples of section 176(i)(a). He also satisfied the queries of the judges.

Shri Dharmadhikari also launched a website of the District and Sessions Judge. He lauded the efforts made by Shri Subhash Kakade for this.

SHRI DHARMADHIKARI FOR BETTER COORDINATION BETWEEN PUBLIC PROSECUTORS AND INVESTIGATION OFFICERS



The chairman of M.P. Human Rights Commission Justice Shri D.M. Dharmadhikari has said that in the investigation of criminal cases a senior police officer should be made officer in-charge, which would ensure a better coordination between public prosecutors and investigation officers leading to perfect investigation. Justice Dharmadhikari was addressing a state level workshop on “Quick Justice” organized on April 24, 2010 at Bhopal by the

Directorate of Public Prosecution. The workshop had five sessions on coordination between investigation and prosecution, quick justice in cases of heinous crimes, role of media, empowerment of prosecution and role of prosecution in quick dispensation of justice.

Judge of the M.P. High Court Justice Shri K.K. Lahoti inaugurate the workshop attended among others by State's Advocate General Shri R.D.

Jain, Director General of the Academy of Administration Shri Sandeep Khanna, ADGPs Shri Ramesh Sharma and Shri Maithilisharan Gupta, Director, Public Prosecution Shri N.K. Garg and senior journalist Shri Vijay Manohar Tiwari.

Shri Dharmadhikari said that protection of witnesses is essential for quick dispensation of justice. In many cases the witnesses turn hostile during trial due to which actual culprits go Scot free. About proactive

media he said that the media should keep within its limits of being information provider. In criminal cases media trial help actual culprits to go scot-free. Shri Dharmadhikari said that during the November 26, 2008 terror attack in Mumbai the media broadcast and publication was providing information to the terrorists and the security agencies had to face great difficulties due to this. He said that the pro-active role of media weakened the Jessica Lal and Arushi murder cases which compelled the Courts to say that media should evolve its own code of conduct. He said that public prosecutors are protectors of human rights. If public prosecutors feel that proactive role of media is adversely affecting a case under trial then they can obtain orders from the courts to restrain the media. He said that even government advocates should be careful while talking to media so as to ensure that they are not giving clue to the culprits inadvertently just to improve their image in the media.

Justice Lohati stressed the need for computerization of courts and providing all necessary facilities to the public prosecution offices to ensure quick dispensation of justice. He said that there should be district level monitoring of heinous criminal cases. He informed that 60 percent judges of the State have been imparted training in operating computer system and the rest would be given the same.

Shri R.D. Jain said that delay in prosecution helps the accused. To retain the faith of common man in judiciary it is necessary to avoid inordinate delay in disposal of cases. He said that in view of the pendency in courts there is need for appointment of judges in a large number. He said that trial through video conferencing can be used for quick dispensation of justice.

Shri M.K. Garg underlined the positive role of media and all concerning agencies for quick dispensation of justice. Government advocates Shri Ravindra Gaud said that the police and prosecution should hold discussions from time to

time on the difficulties being faced in cases. This would avoid inordinate delay in disposal of these cases. Senior journalist Shri Vijay Manohar Tiwari said that the journalists are supposed to have sufficient knowledge of law and a sense of social responsibility for media trial. He said that the public prosecutors should to the court fully prepared. It is not proper to glorify the culprits arrested in criminal cases. ADGP Shri Ramesh Sharma called for proper coordination between police and prosecution. Media should also realize its social responsibility. S.S.P. Bhopal Shri Adarsh Katiyar and S.S.P. Indore Shri Shrinivas Rao, Collector, Sehore Shri Sandip Yadav and judges from different districts, public prosecution officers, senior lawyers and students of Makhn Lal Chaturvedi University of Journalism were also present on the occasion.



NEED FOR SOCIAL AWARENESS FOR ENVIRONMENTAL BALANCE

SHRI DHARMADHIKARI

**CHILDREN' S PARLIAMENT ON ENVIRONMENTAL PROTECTION
ON GLOBAL EARTH DAY**



The chairman of M.P. Human Rights Commission Justice Shri D.M. Dharmadhikari has stressed the need for social awareness for environmental protection and to keep the atmosphere pollution-free. For this environment should be taught as a subject in schools so that it can become a way of life of children. Shri Dharmadhikari was addressing a Children's Parliament organized on Global Earth Day on April 22, 2010 at Bhopal. It was organized by a voluntary institution of Bhopal "Prayatna". Prominent among

others present on the occasion included the IG of Police of Bhopal range Shri Shailendra Shrivastava, Shri A.K. Sudhakar of Central Pollution Control Board, Dr. Gunwant Joshi of State Pollution Control Board, Reader of Vikram University Dr. Sachin Ray, Professor in N.L.I.U. Dr. Raka Arya, Shri Amit Dube of Lake Conservation Authority, environmentalist Dr. D.R. Tiwari and Secretary of "Prayatna" Shri Ajay Dube. Shri Dharmadhikari said that the customs and rituals that contaminate rivers must be

changed. He said that there is no more pious duty than bio conservation. Therefore, there is need to consider ban on slaughter of animals. Children are future citizens of the country. They would have to preserve rivers, lakes, vegetation, birds and animals. He said that like China we should encourage the use of bicycles instead of motor vehicles. This also helps improve health. He said that to ensure adherence to law and rules there should be a sense of self-discipline apart from fear of government in the people.

Shri Shailendra Shrivastava said that circumstances cannot change a man of firm determination; it is the other way round. He said that the Human Rights Commission has taken remarkable initiatives to enhance public awareness about public utility services and facilities. Campaigns have been carried out to heighten social awareness about health, education, shelter, food and water and right of women over properties. He said that people should plant maximum possible saplings and bamboo plantation should be done on all sides of the lake for its conservation. Polythene bags should not be thrown in the lake and a campaign should be mounted for this with the help of police.

Shri Gunwant Joshi said that urban filth accounts for 75 percent pollution of lakes while the contribution of industrial affluent is 16 percent. Now chemical matters are getting absorbed in the agricultural land near water sources. This is contaminating water. Shri Joshi said that the country would have to return to organic farming. He said that many wastes have nutrients which may be re-cycled instead of throwing them here and there. This will help keep environment clean. Shri Joshi said that it is better to prevent pollution than to control it. He said that effective control on pollution is possible with the help of aware implementing agencies and proactive judiciary. He said that the level of pollution

in Bhopal is lower in comparison to many other cities. Public transport system needs to be improved to further better it. He stressed the need for plying metro trains in Bhopal.

Shri Amit Dube said that land use has been changed on a large scale near Shahpura Lake. He informed that new action plans would be chalked out for conservation of ten other lakes in addition to Upper and Lower Lakes of Bhopal. Prof. Raka Arya conducted the programme and Shri Ajay Dube proposed a vote of thanks. Dr. D.R. Tiwari and Shri A.Sudhakar also expressed their views. About 200 children from various schools of Bhopal asked questions from experts about environment.

RECOMMENDATION FOR RESETTLEMENT OF DISPLACED PARDHI FAMILIES AT VILLAGE CHAUNTHIA ITSELF

The M.P. Human Rights Commission has recommended the resettlement of displaced families of village Chaunthia in Multai tahasil of Betul district in the same village. The Commission has written a letter to this effect to the Chief Secretary.

It may be mentioned here that the Pardhi families were driven out of the village following a criminal incident in July 2008. Their houses were also gutted.

After publication of news about this in the newspapers and representatives of Pardhi community approached the Commission, the latter kept collecting information about resettlement and living conditions of the Pardhi families and directed the district administration to help these families.

After being driven out of the village the Pardhi families have taken temporary shelter at village

Baretha Ghat and Shahid Bhawan near the Collectorate. At the initiative of the Collector arrangements for ration, water and clothing for these families were made. The Commission has been receiving complaints from time to time regarding non-resettlement of the displaced Pardhi families even after a long gap. The Commission has, therefore, recommended for their re-settlement in village Chaunthia itself.



8213 COMPLAINTS OF HUMAN RIGHTS VIOLATION DISPOSED OFF

MAXIMUM 1646 COMPLAINTS FROM BHOPAL DISTRICT

As many as 12,554 complaints of human rights violation were received by the M.P. Human Rights Commission during 2009-2010. Of these, 8213 complaints were disposed off. Thus, 66 percent of the total complaints were disposed off during the same year of their receipt. The maximum 1646 complaints were received from Bhopal district and minimum 29 from Alirajpur district.

Of the total complaints, the maximum 7549 were against police department, which account for over 60 percent of the total complaints received. As many as 128 complaints were against health department and 192 against education department. Twelve complaints were about death in police custody and 59 of deaths in jail custody. Complaints pertaining

to lack of civic amenities numbered 17 while 16 complaints were about environment pollution. Besides, 76 complaints were about mismanagement in jails and 2133 pertained to violation of rules in government service. A total of 2372 complaints pertained to indifference towards delivery of public utility services.

The division wise detail of the complaints and disposed off during 2009-2010 is as follows: - 548 from three districts of Chambal division of which 339 were disposed off. From five districts of Gwalior division 1178 complaints were received of which 716 were disposed off. From six districts of Ujjain division 1740 complaints were received of which 1094 were disposed off while from eight

districts of Indore division 1534 complaints were received of which 1023 were disposed off. As many as 2618 complaints were received from five districts of Bhopal division of which 1766 were disposed off. From three districts of Narmadapuram division 743 complaints were received of which 502 were disposed off. A total of 1173 complaints were received from five districts of Sagar division of which 799 were disposed off. From eight districts of Jabalpur division 1779 complaints were received of which 1193 were disposed off. Similarly, 1241 complaints were received from seven districts of Rewa division of which 781 were disposed off.



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