

Mumbai stampede: Officials get clean chit, rain to blame

Mumbai , Oct 11 : An official probe into the September 29 stampede in Mumbai on Wednesday gave a clean chit to Western Railway (WR) officials, but instead blamed heavy rain and rumours for the tragedy that killed 23 railway commuters. WR Chief Safety Officer (CSO), who conducted the inquiry into the stampede at a foot overbridge connecting Parel and Elphinstone Road stations, submitted the report to General Manager Anil Kumar. It includes statements of injured commuters, eyewitnesses like police and railway officials and members of the general public. The inquiry also analysed closed-circuit television footage at the station and the foot overbridge. The probe report said a vendor dropped a bunch of flowers and a cry of 'Majha phool padla' (my flower fell) led to the spread of rumours of 'pool padla' (bridge fell), which "possibly triggered panic and led to the stampede". The committee concluded that the tragedy occurred due to a downpour and accumulation of commuters on the overbridge and the staircase around 10 a.m. on the fateful day," the CSO observed in his report. WR Chief Spokesperson Ravinder Bhakar told media later during the day that "rumour, coupled

with sudden torrential rain" on September 29 morning led to a huge rush at the Elphinstone Road station and the bridge, which led to the tragedy. "Many people stranded on the bridge were unable to move due to heavy rain, even as other commuters were stepping out of trains and trying to climb the bridge," Bhakar said. The probe committee also recommended certain short- and long-term measures for Mumbai suburban stations, including installation of additional CCTVs at stations and in trains, removal of all encroachments on bridges and foot overbridges and in railway stations' vicinity, among others. The report also recommended utilising ticket booking office space to upgrade foot overbridges, equipping station authorities with wireless sets, in case of predictions of heavy rain by the India Meteorological Department or BrihanMumbai Municipal Corporation, and suitable announcements to avoid chaos among commuters. The Railways has announced a high-level committee to inquire into the 18-month delay in issuance of Notice Inviting Tender for the Elphinstone Road overbridge, and recommend measures to ensure that such delays are minimised in the future.

India needs a PM who works, not just speaks: Mayawati



Lucknow , Oct 11 : BSP chief Mayawati on Wednesday took a dig at BJP President Amit Shah's statement in Amethi that the party has given a "Prime Minister who speaks" and said the nation needs a PM who works rather than a merely speaking one.

Accusing the Bharatiya Janata Party (BJP)-led National Democratic Alliance (NDA) government at the Centre of doing nothing to control price rise, arrest unemployment and improve healthcare, the Dalit leader said the Uttar Pradesh government was

turning out to be similar to the one at the Centre.

In a statement issued in the state capital, the Bahujan Samaj Party (BSP) chief said she was happy that albeit late, the BJP chief had admitted the "bitter truth" that PM Narendra Modi was a "speaking Prime Minister".

She added it was for the first time in the history of free India that there was a Prime Minister who gives monologues, does not believe in two-way communication and one who misuses government machinery to further his own personal and party's agenda. "At a time when every voice is being suppressed, the BJP is patting its back for having given a Prime Minister who speaks," she said.

The four-time Chief Minister of Uttar Pradesh also slammed the state government of Yogi Adityanath and said mere reviews of various issues by him was not going to help improve governance and end problems faced by the people.

"The situation in the state is going from bad to worse with every passing day," she said.

Sex with wife below 18 is rape, rules Supreme Court

New Delhi , Oct 11 : The Supreme Court on Wednesday said sex with wife below 18 years of age is rape, striking down the provision of criminal law that permitted sex with a wife aged between 15 and 18. Referring to the Exception 2 to Section 375 of the Indian Penal Code that allowed such a sexual contact which now stands struck down, the court in its verdict said, "... in our opinion, sexual intercourse with a girl below 18 years of age is rape regardless of whether she is married or not."

The husband is liable to be prosecuted if the woman files a complaint within a year of the sexual act, the Supreme Court said as it struck down the exception.

Describing the exception as "arbitrary, discriminatory and capricious", the bench of Justice Madan B. Lokur and Justice Deepak Gupta in their separate but concurring judgments said that its verdict would have a prospective affect.

Section 375, which defines rape, in Exception 2 said: "Sexual intercourse or sexual acts by a man



with his own wife, the wife not being under fifteen years of age, is not rape."

The court verdict came while deciding the question whether sexual intercourse between a man and his wife being a girl between 15 and 18 years of age is rape, after NGO Independent Thought had moved the court in 2013 against it. The court, however, made it clear that it was not saying anything on the larger issue of marital rape. "We make it clear that we have not at all dealt with the larger issue of marital rape of adult women since that issue was not raised before us by the petitioner or the intervenor," said Justice Lokur.

Describing the distinction between a girl child and a married girl child as

"unnecessary and artificial", he said it "has no rational nexus with any unclear objective sought to be achieved".

Such an "arbitrary and discriminatory" distinction "is definitely not in the best interest of the girl child", he said, adding it was also contrary to the Constitution's Articles 15(3) and 21 and commitments in international conventions. Holding this distinction was also "contrary to the philosophy behind some statutes, the bodily integrity of the girl child and her reproductive choice", he said it also "turns a blind eye to trafficking of the girl child and surely each one of us must discourage trafficking which is such a horrible social evil".

Justice Gupta in his separate but concurring judgment said that Exception 2 was "arbitrary, capricious, whimsical and violative of the rights of the girl child and not fair, just and reasonable" and thus was "violative of Article 14, 15 and 21 of the Constitution".

Exception 2 grants "immunity" to the husband for the offence of rape especially when the "victim wife" is below the age of 18 years - at an age when she is "legally not capable of giving consent to have sexual intercourse", he maintained.

Dismissing the Centre's stand that it would not be proper to criminalize the consummation of child marriages which were taking place in a large number across the country, Justice Gupta said: "Merely because something is going on for a long time is no ground to legitimise and legalise an activity which is per se illegal and a criminal offence."

He asked if a child marriage, which is admittedly "an evil" and also a criminal offence, can be "set up as an exception in a case of

a girl child, who is subjected to sexual intercourse by her so called husband".

"Shocking, even if this sexual intercourse is forcible and without the consent of the girl child, then also the husband is not liable for any offence," he said, pointing out several rights that a girl child loses including right to study and develop "physically, mentally and economically into a mature woman". "... in my view, because of the patriarchal nature of our society, some extra benefit must be showered upon the girl child to ensure that she is not deprived of her right to life..." The court urged the Centre and the State governments to actively prohibit child marriages which "encourages" sexual intercourse with a girl child. "Welfare schemes and catchy slogans are excellent for awareness campaigns but they must be backed up by focused implementation programmes, other positive and remedial action so that the pendulum swings in favour of the girl child who can then look forward to a better future," it said.

Godhra train burning not 'terrorism', says Gujarat HC

Ahmedabad , Oct 11 : The Gujarat High Court has ruled that the burning of a train coach at Godhra in Gujarat in 2002 which killed 59 persons was neither "terrorism" nor an "act of waging war" against the state. The court on Monday commuted the death sentence on 11 convicts in the burning of the Sabarmati Express coach but upheld the decision that there was a conspiracy angle to the episode. The train burning ignited bloody riots in Gujarat that claimed over 1,000 lives. The court recalled in its judgment that the Law Commission wanted the death penalty abolished for crimes not related to acts of terrorism or war against the state.

"Death penalties eliminate a person to a point of no return. While considering the question of sentence to death, a duty is cast upon the court to deliberate on various facets of sentence and to immunise itself to avoid branding imposition of death

sentence as 'judge centric' or 'blood thirsty', the court said. The court noted that though the accused set fire to the coach to cause death and maximum damage, they had no intention to enhance the number of casualties. "About more than 100 people could escape... Besides, qualitative analysis of the entire evidence though sufficient enough to sustain conviction do not justify awarding

sentence of death and, therefore, we are of the opinion that the death penalty is not warranted."

Judges A.S. Dave and G.R. Udhvani ordered compensation of Rs 10 lakh each to the kin of the deceased.

They pulled up the Gujarat Police for not pursuing proper investigation, the Gujarat government then led by now Prime Minister Narendra Modi

for not maintaining law and order and the railways for not ensuring the safety of the passengers coming from Uttar Pradesh.

The court heard petitions challenging the SIT court judgement of March 2011 that acquitted 63 of the 94 tried and convicted 31 people, with 20 handed life imprisonment and 11 capital punishment. Confirming the conspiracy theory, the High Court said the "emer-

gence, pattern, nature, ignition, colour of flames and temperature along with smoke and fire in coach S-6 of the ill-fated train based on replies by experts persuade us to reject theories canvassed by learned counsel for the defence about fire in the coach was due to unknown cause other than the conspiracy for which proper method of investigation in the cases of arson was not followed".

56% polling in Gurdaspur LS bypoll

New Delhi , Oct 11 : A total of 56 per cent of registered voters exercised their franchise on Wednesday in the by-election to the Gurdaspur Lok Sabha constituency, election officials said.

Punjab Chief Electoral Officer V.K. Singh said the bypoll process was peaceful amid tight security.

Minor clashes were reported between Congress and Bharatiya

Janata Party-Shiromani Akali Dal workers in some villages, in which five to six persons were injured. Nearly 15.22 lakh voters were eligible to vote to decide the fate of 11 candidates, including BJP's Swarn Salaria, Congress' Sunil Kumar Jakhar and Aam Aadmi Party's retired Major General Suresh Kumar Khajuria. The Congress, fresh from its emphatic win in the February 4

assembly elections, is set to give a close fight to the BJP, which is trying to retain the seat. The Lok Sabha constituency has nine assembly seats, of which the Congress won seven in the assembly polls. One seat each went to the SAD and the BJP.

The AAP, the main opposition party in the Punjab Assembly, could play a spoiler for both the BJP and the Congress. The result will be

announced on October 15.

The Lok Sabha seat fell vacant in April following the passing away of veteran actor and Gurdaspur MP Vinod Khanna due to cancer. Gurdaspur is the first parliamentary constituency in the country where all polling stations used Voter Verifiable Paper Audit Trail machines which help the voters confirm in whose favour they cast their votes.

INTERNATIONAL

U.S. flies bombers over Korea as Trump discusses options

Washington , Oct 11 : The U.S. military flew two strategic bombers over the Korean peninsula in a show of force late on Tuesday, as President Donald Trump met top defense officials to discuss how to respond to any threat from North Korea. Tensions have soared between the United States and North Korea following a series of weapons tests by Pyongyang and a string of increasingly bellicose exchanges between Trump and North Korean leader Kim Jong Un.

North Korea has launched two missiles over Japan and conducted its sixth nuclear test in recent weeks as it fast advances toward its goal of developing a nuclear-tipped missile capable of hitting the U.S. mainland.

The two U.S. Air Force B-1B bombers were joined by two F-15K fighters from the South Korean military after leaving their base in Guam, South Korea's Joint Chiefs of Staff said in a statement on Wednesday.

After entering South Korean airspace, the two bombers carried out air-ground missile drills in waters off the east coast of South Korea, then flew over the South to waters between it and China to repeat the drill, the release said.

The U.S. military said in a separate statement it con-

ducted drills with Japanese fighters after the exercise with South Korea, making it the first time U.S. bombers have conducted training with fighters from both Japan and South Korea at night. The U.S. bombers had taken off from the Andersen Air Force Base in Guam. In August, Pyongyang threatened to fire intermediate-range missiles toward the vicinity of Guam, a U.S. Pacific territory that is frequently subjected to sabre-rattling from the North. South Korean and U.S. government officials have been raising their guard against more North Korean provocations with the approach of the 72nd anniversary of the founding of North Korea's ruling party, which fell on Tuesday. Trump hosted a discussion on Tuesday on options to respond to any North Korean aggression or, if necessary, to prevent Pyongyang from threatening the United States and its allies with nuclear weapons, the White House said in a statement. Trump was briefed by Secretary of Defense James Mattis and Chairman of the Joint Chiefs of Staff General Joseph Dunford at a national security team meeting, the statement said.

U.S. and South Korean wartime operational plans, including a plan to wipe out

the North Korean leadership, were stolen by North Korean hackers last year, a South Korean ruling party lawmaker said on Wednesday.

Some 235 gigabytes of military documents were taken from South Korea's Defense Integrated Data Center in September last year, Democratic Party representative Rhee Cheol-hee said in radio appearances on Wednesday, citing information from unidentified South Korean defense officials.

Madrid Oct 11 : Spain's Prime Minister Mariano Rajoy on Wednesday said he has asked Catalan leader Carles Puigdemont to confirm whether or not he has declared independence. Rajoy gave a press conference following an emergency cabinet meeting convened the morning after Catalan President Carles Puigdemont told his Parliament that "Catalonia had won the right to become independent" but that he would "suspend an official declaration for some weeks" to allow for talks with Madrid.

Rajoy accused Puigdemont of creating "deliberate confusion" and said that the Spanish government needed to know whether or not he had declared the northeastern region independent from Spain BBC reported.

The Spanish Prime Minister said his government would base its response on the answer it was given including any measures it might take invoking a constitutional clause

Attacks on Rohingyas sought to prevent them from returning: UN

Geneva , Oct 11 : More than half a million Rohingyas fled Rakhine since the offensive started, amid allegations by witnesses of civilian killings. The UN High Commissioner for Refugees called it a "textbook example of ethnic cleansing". The attacks on Rohingya Muslims in Myanmar were carried out with the premeditated aim of not only expelling them but also to prevent them from returning, said a UN human rights team which has investigated the violence.

"These brutal attacks were well organised, coordinated and systematic," said the report prepared by the UN team on Wednesday, adding that "the strategy was to inoculate deep fear and trauma on a physical, emotional and psychological

level", Efe news reported.

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Spanish PM demands clarity over Catalan plan

allowing for direct rule. Article 155 of the Spanish Constitution would allow Rajoy to suspend Catalonia's autonomy and impose direct rule from Madrid. "This call -- ahead of any of the measures that the government may adopt under Article 155 of our Constitution -- seeks to offer citizens the clarity and security that a question of such importance requires," Rajoy said. "There is an urgent need to put an end to the situation that Catalonia is going through to return it to safety, tranquility and calm and to do that as quickly as possible," he added. Spain has been in turmoil since a disputed referendum in Catalonia on October 1 was declared invalid by the country's Constitutional Court. Addressing the Catalan Parliament in Barcelona on Tuesday evening Catalan leader Carles Puigdemont said: "We call on international states and organisations to recognise the Catalan republic as an independent and sovereign state." He

said the "people's will" was to break away from Madrid but he also said he wanted to "de-escalate" the tension around the issue. Puigdemont signed a declaration of independence but halted its implementation to allow negotiations. However the Spanish government rejected his calls for mediation. Spain's Deputy Prime Minister Soraya Saenz de Santamaria described Puigdemont as someone "who does not know where he is where he is going". Dialogue between democrats takes place within the law respects the rules of the game and doesn't make them up as it goes along. "About 90 per cent of participants voted in favour of splitting from Spain in the referendum. But it was marred by violence after Spanish police acting on court orders attempted to stop the vote by raiding polling stations seizing ballot boxes beating voters and firing rubber bullets at crowds.

with the courts and the law officers also apparently wanted to shut them. He again summoned the Interior Secretary to appear before the LHC on October 13. Saeed's advocate AK Dogar said the JuD leaders had been detained merely on the basis of allegations, without any substantial evidence against them, and the extension of the detention was illegal and a violation of basic rights. Requesting the court to declare the detention null and void, he contended that the JuD chief and other leaders had been detained because of pressure from the US government. In previous proceedings, the Punjab home department stated in a report submitted in connection with the petition filed by the JuD chief against his detention that if he was released, his activities would pose a serious threat to public safety and public order. Saeed is accused by India of murdering the Mumbai terror attack of November 2008 which left 166 Indians and foreigners dead. New Delhi has repeatedly urged Islamabad to punish him for the massacre

Hafiz Saeed To Be Freed If No Evidence Submitted: Lahore Court

Lahore , Oct 11 : A Pakistan court has warned that it would end the house arrest of terrorist leader Hafiz Saeed, blamed for the 2008 Mumbai terror attack, if the government doesn't submit evidence against him.

The Jamaat-ud-Dawa (JuD) chief and his four aides were placed under house arrest in January under the Anti-Terrorism Act. The Lahore High Court (LHC) heard the appeal against Saeed's detention on Tuesday. However, the Interior Secretary who was expected to bring the documents related to Saeed's detention failed to appear before the court, the Pakistan media reported. Expressing annoyance over the Interior Secretary's absence, Justice Sayeed Mazahar Ali Akbar Naqvi said: "No one could be detained for a long time merely on the basis of newspaper clippings."

He said it was the obligation of the government to protect the basic rights of people.

Justice Naqvi observed that "courts should be locked" if matters were to be decided unilaterally by the Ministry. He said no one was ready to cooperate

with the courts and the law officers also apparently wanted to shut them.

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