

Plea before HC against five-day working week

EXPRESS NEWS SERVICE MUMBAI, FEBRUARY 28

AFTER THE Maharashtra government announced five-day working week for most of its employees from February 29, a social worker and businessman from Solapur on Friday moved the Bombay High Court challenging the state's decision on the ground that it discriminates among government employees.

Solapur resident Mahesh Gadekar filed a public interest litigation (PIL) seeking to quash the circular issued by the state on February 24.

The circular had stated that from February 29, state employees will have to pitch in for 45 extra minutes on five working days but will get two offs, instead of one, every week.

Gadekar also sought the court to direct the government to audit pending works of each department in a time-bound manner before the 5-day week policy is implemented.

There are over 20 lakh employees in government, semi-government and local bodies in the state.

The new rule does not apply to offices covered under factory rules, industrial disputes Act and those providing essential services like police, fire brigade, government colleges as well as the sanitation department.

The petition, filed through advocate Vinod Sangvikar, stated that while in Mumbai, all government offices, including BMC, will follow the new working hours, it will not apply to those that provide essential services, like hospitals, dispensaries, police, jails, fire brigade and water supply among others.

It added that while government employees working six days a week have not been able to complete pending works, a 5-day week will aggravate the situation.

The plea stated, "Already, government employees get many holidays, half days, sick leaves, etc. They have half-an-hour lunch break, which turns into one hour. Later in the evening, they have tea break. So, there is no need to have holiday on every Saturday, because they already have holidays on every alternate Saturday."

It added that the government is setting a bad precedent, as there will be no official available to contact, despite online services being available 24 hours. The high court will hear the plea on March 5.

The five-day work week is already applicable for all central government employees in Maharashtra.

States like Rajasthan, Bihar, Punjab, Delhi, Tamil Nadu and West Bengal also have a five-day work week.

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Muslim quota will impact OBC, Marathas, says Fadnavis

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LEADER OF Opposition in the state Assembly, Devendra Fadnavis, said on Friday that a quota for Muslims would be unconstitutional and affect OBC and Maratha reservations. He also pointed out that the Constitution does not have any provision for reservation based on religion.

"If additional reservation is given (to Muslims), the OBCs stand to lose their quota. Maratha reservation too will be affected," Fadnavis told media persons outside the Assembly.

"Even if the state government tries to consider reservation for Muslims, it cannot make any change in the existing quota for Scheduled Tribes and Scheduled Castes. Therefore, any attempt to accommodate the 5 per cent quota for Muslims would have to be from the existing OBC or Maratha quotas. This is the apprehension voiced by OBC and Maratha organisations," he added.

"The BJP is against Muslim reservation. The Constitution drafted by Dr B R Ambedkar

does not have any provision for reservation based on religion. Therefore, any move by the government to consider the same would not withstand constitutional and legal scrutiny," Fadnavis said.

"At present, Muslims are availing benefits under the 10 per cent quota given by Centre for the economically weaker sections... Under the existing OBC quota, a sizeable section of Muslims from backward class is deriving benefits," he added.

Questioning BJP's former ally Shiv Sena's stand on the issue, Fadnavis said, "The NCP minister (Nawab Malik) has categorically stated that Muslim reservation has the consent of all ruling allies, including Shiv Sena. There is no reason to not believe a minister who makes a statement on the floor of the House."

"It is a pointer to the settlement Shiv Sena has made with Congress and NCP to come to power in the state. We should know on what issues Shiv Sena has made compromise and given up its ideology to form the government," he added.

Claiming that BJP's stand against Muslim reservation was

not discriminatory, Fadnavis said: "In the past, when the Andhra Pradesh government had given Muslims reservation, it was struck down by the Supreme Court."

In July 2014, then Congress-NCP government had given five per cent reservation to Muslims in government jobs and educational institutes through an Ordinance. While the Bombay High Court, in November 2014, had upheld five per cent reservation in government and government-aided educational institutes for Muslims, it had stayed the reservation given in private educational institutes and government jobs. The Ordinance had lapsed in November 2014, as it was not converted into a law by the subsequent BJP-led government that came to power in the state.

"The basic premise on which the Congress-NCP regime gave Muslims reservation was shaky. There were two versions - either the quota is acceptable both in jobs and education or is valid legally and constitutionally. If the law does not conform to these parameters, it would never be acceptable," Fadnavis said.

'Will make state free of single-use plastic by May 1'

Mumbai: The government will make Maharashtra free of single-use plastic items by May 1, Environment Minister Aaditya Thackeray told the Legislative Council Friday. The minister said a decision to ban plaster of paris would be taken collectively "as it is a religious and sensitive issue".

"The government will make state single-use plastic free of by May 1 and has already given the directions to all the authorities," said Thackeray. He was responding to questions posed by the members on the issue.

"People need to change their habits and convenience about using plastic for effective implementation of the ban. It should become a people's movement," he added.

In 2018, the government had imposed a ban on manufacturing, use, sale, distribution and storage of all plastic carry bags and single-use plastic items. "However, these items are still found in markets," Thackeray said. ENS



Vernon Gonsalves at the Mumbai sessions court on Friday. Prashant Nadkar

Elgaar Parishad case: Nine accused produced before Mumbai court

EXPRESS NEWS SERVICE MUMBAI, FEBRUARY 28

A MONTH after the investigation in the Elgaar Parishad case was transferred from the Pune police to the National Investigation Agency (NIA), nine accused in the case were produced before a Mumbai court Friday, which sent them to judicial custody till March 13.

The accused - Surendra Gadling, Mahesh Raut, Sudhir Dhawale, Rona Wilson, Arun Ferreira, Vernon Gonsalves, P Varavara Rao, Shoma Sen and Sudha Bharadwaj - were shifted from Pune's Yerawada Central Jail to Arthur Road Jail and Byculla Women's Prison in Mumbai on Wednesday.

On Friday, the NIA informed the court that, in compliance with the Pune court's order, the nine accused had been shifted to Mumbai for the trial in the Elgaar Parishad case to continue before a special court here. The court had on February 14 directed the case to be transferred to Mumbai after it observed that it did not

have jurisdiction to conduct the trial since its transfer to the NIA.

Three accused - Ferreira, Gadling and Gonsalves - told the court that they represent their own case. Ferreira and Gadling were practising lawyers before their arrest in June-August 2018. Earlier, the court called out the names of the accused to mark their presence.

During the hearing, the prosecution apprised special judge D E Kothalikar of the development in the case and informed that while charges were yet to be framed, hearing on applications filed by the accused was pending.

Among the applications pending before the Pune court is a plea to get copies of the hard disks seized by the police as part of their probe. The application, filed before the Pune court last year, had said that the police had not followed proper procedure while submitting electronic data in the court. The police had opposed the plea in the Pune court claiming that the data in the hard disk was "highly sensitive" and could not be shared with the

other accused yet to be arrested in the case.

Ferreira, on Friday, told the special court in Mumbai that while the Pune court had allowed them access to legal documents and their chargesheet, running into over 10,000 pages, the Arthur Road Jail authorities had said that there was no space to keep them in the prison. The judge informed them that they will be shifted to Taloja Jail in Navi Mumbai soon.

Pune police had arrested the nine accused in connection with an event held at Shaniwar Wada in Pune on December 31, 2017, and claimed that it was organised by the CPI (Maoists), a banned organisation. The nine accused face charges under several sections including Unlawful Activities (Prevention) Act. On February 14, the Bombay High Court rejected the anticipatory bail applications of academician Anand Teltumbde and activist Gautam Navlakha. The two, however, have been given interim protection for four weeks to challenge the order before the Supreme Court.

JUSTICE (RETD) S C DHARMADHIKARI AT DR T K TOPE MEMORIAL LECTURE

'Being critical of govt not an offence'

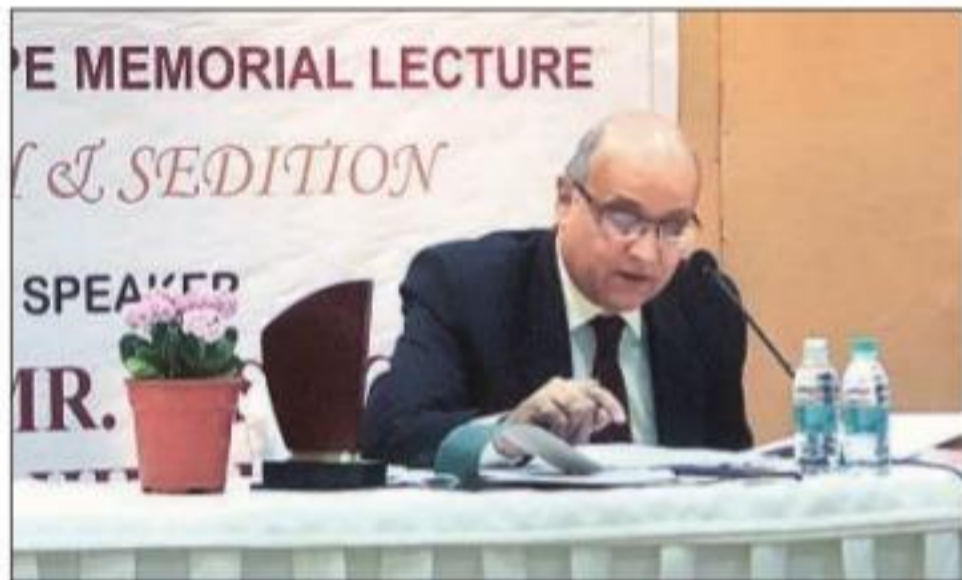
OMKARGOKHALE MUMBAI, FEBRUARY 28

MAINTAINING THAT students need not fear as long as they protest by lawful means, retired Bombay High Court judge Satyaranjan CDharmadhikari on Friday said being critical of the government is not an offence.

"(Students) need not fear as long as they protest by lawful means and being critical of the government is not an offence. Freedom of speech should not amount to incitement of an offence," said Justice Dharmadhikari said while addressing law students, academicians and advocates on 'Free Speech and Sedition' at Dr T K Tope Memorial Lecture organised by the Government Law College.

On the recent protests by students across the country, Justice Dharmadhikari said: "As students, you enjoy your freedom completely. Do not apprehend that somebody is there and policeman is going to knock (on the door) at your campus. But when you do something like this (incitement of an offence), be careful."

"There is always a balance that law strikes and aims in preserv-



Justice (retd) S C Dharmadhikari at a lecture on Friday. Express

ing and protecting harmony. To destroy, is not harmonious. Our mentality has to be such that we cannot be so destructive," he added.

On the session law, he said, "We think every law is draconian. We presume that in a democracy, such a law cannot stand. If find after leaving office that there is largescale ignorance on law. Presumption of a law is that it is constitutional. It has to be tested on the anvil of the Constitution."

Justice Dharmadhikari said the heart of democracy is debate, deliberation, discussion and dissent. "That is not taken away."

"Any penal provision does not take away your freedom, does not take away your right and it is subject to reasonable restriction. Anyone who says speech is seditious will have to establish it with proof," he said.

Justice Dharmadhikari referred to the Bombay High Court ruling in a PIL seeking an examination of the legal position on the invocation of sedition charges. The PIL, in 2015, had

come up following the invocation of sedition against cartoonist Assem Trivedi. It had prompted the state to codify guidelines that police should follow before filing a sedition case. A set of guidelines were drawn but they were subsequently withdrawn by the state.

"In this case, the state home department assured the court that it will not invoke sedition charges only to curb your right to free speech and expression, which to my mind is sufficient and protection safeguard against abuse of the Section 124A (of IPC)," he said.

Maintaining that freedom of press is part and parcel of right to freedom of speech, Justice Dharmadhikari said: "When somebody says something and the press publishes it, these are not two independent rights. Freedom of press is part and parcel of the right of citizen to freedom of speech and expression. When you say something and it is published, publisher need not have to fear."

Encroachment cleared

Mumbai: The BMC cleared encroachment from an area of about 5 acres near Irla pumping station at Juhu in Mumbai on Friday. It will now barricade the plot and develop a garden on it. "Illegal structures have been demolished. Now, the said plot is cleared of all illegal structures. Since pumping station work is in progress near the adjoining drain, the plot is required for various BMC activities," said Vishwas Mote, Assistant Municipal Commissioner of K-West ward (Andheri). ENS

Bank of Baroda advertisement for E-Auction Sales Notice regarding Bank of Baroda owned vehicles on an 'As-is-where-is & whatever-it-is basis'.

Advertisement for National Health Mission (NHM) Maharashtra, featuring the National Health Mission logo and details about the National Health Mission Maharashtra.

Advertisement for Agarwal Exotica Vasai (East) featuring a large building image and details about the project, including floor plans and pricing.

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