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## UPHOLD RULE OF LAW "ENCOUNTERING CRIMINALS IN UTTAR PRADESH IS MISDIRECTED WAR" "POLICE" CANNOT UNDERMINE RULE OF LAW & RAM RAJYA"



By: M.S.Yatnatti: Editor and Video Journalist Bengaluru: Violating law in the name of better law enforcement is a mistaken strategy and it is not Ram Rajya, it is fraught with perilous consequences. Sankar Sen former Director General, National Human Rights Commission as he has witnessed, in his long years of service in the police and an innings in NHRC, that police vested with unbridled authority to use force become trigger happy and run berserk. In the name of combating crime and criminals, they have settled old scores. Many innocent people suffer loss of life and limb. Reportedly Uttar Pradesh deputy chief minister Keshav Prasad Maurya has sought to downplay criticism on the growing number of encounter killings in Uttar Pradesh, saying eliminating criminals is a step towards setting up a "Ram Rajya". "UP is not the only state where steps are being taken at a grand scale to ensure law and order. Our priority is not to kill them (criminals). But if armed men attack cops, they will be fired back. The aim is to eliminate evil and ensure a peaceful atmosphere, that is 'Ram Rajya'." Reportedly Maurya told reporters. Since the BJP government came to office in March last year, 1,240 encounters have taken place in which 40 criminals have been killed and 305 injured. Nearly 5,500 criminals got their bail cancelled fearing "action" by UP Police during the first 10 months of chief minister Yogi Adityanath's regime, reportedly said director general of Uttar Pradesh police Om Prakash Singh. The DGP, who was in Agra to chair a crime review meeting with officials, said the Special Task Force (STF) made dedicated efforts to make state police's crackdown on criminals successful. "During 10 months from March 2017 to January 2018, UP Police has conducted 1,331 encounters. In these encounters, 3,091 wanted criminals have been arrested and 43 gunned down. Out of these, 50% had rewards declared on them. Many of these people had been absconding for a long time. Fearing action against them, a total of 5,409 criminals during these 10 months got their bail cancelled by surrendering in courts," reportedly the DGP said.

According to report police Backed by chief minister Yogi Adityanath, the Uttar Pradesh has launched a vigorous crackdown on criminals. Some criminals have been killed in encounters and many, out of fear of being gunned down, have surrendered. According to data sourced from police headquarters as many as 1,142 encounters were recorded between March 2017 and January this year, and 38 alleged criminals were killed. Encounter specialists in the police are calling the shots. Encounters took place in Lucknow, Saharanpur, Gorakhpur, Bagpat and other areas of the state. Though the CM has given a green signal and assured support to the police, these developments are worrying and should not make one oblivious of the hard fact that police encounters have many adverse consequences. It is true that there is tacit public approval of police encounters. Criminal justice moves at a snail's pace. Trials drag on interminably. Notorious criminals get away scot-free and cock a snook at the justice system. Encounters are not so much the problem as symptoms of the collapsing system of justice and public demand for quick solutions to law and order problems. but for proper and efficient functioning of police, illegal encounters have to be firmly discouraged by police leaders and professionals. They generate lawlessness within the police and breed contempt for law. To break law in the name of law enforcement has no place in a democratic society governed by the rule of law. It is objectionable because it is arbitrary as a process, and random in its effects. The real answer is to strengthen law and the legal process. Reportedly the procedure outlined by NHRC lays down that in the case of an encounter in which the police are involved, immediate steps should be taken to investigate the facts and circumstances leading to death, and ascertain how the offence was committed and by whom. If police officers belonging to the same police station are members of the encounter party, it will be appropriate that other police agencies, preferably the state CID, should take over investigation of such cases. Unfortunately, these salutary instructions of NHRC remain on paper. Some retired senior UP police officers have warned the police force of the risks and dangers inherent in the abuse of power. Some trigger-happy officers are likely to come to grief in due course for their over-zealousness. At that time, the political masters will not come to their rescue. They will rue like Cardinal Wolsey for their unthinking loyalty to the king and not to the canons of law!

Online Journalists are people who gather information that is relevant to the public and communicate this over various media. An online journalist would collect, write or edit news-reports, articles, features, interviews, opinion pieces, photographs or even podcasts and videos on news and events on an online platform. If you are located and work from India, all the laws applicable to citizens of India will also apply to you. These include the Constitution of India, Press Laws and Acts, provisions of the Indian Penal Code and the Criminal Procedures Code, Broadcasting regulations etc. The Press Council of India has a comprehensive list of acts applicable for journalists. Besides, the amended Information Technology Act, 2000, governs all electronic communication. So, if a print, television, radio or mobile media journalist transmitted any information electronically, the provisions of the IT Act would also be applicable. Print media content is governed by a number of laws, including the Constitution of India's provisions on freedom of expression and privacy, other specific laws on registration of publications, provisions in the Indian Penal Code, etc. An online article will attract different provision of the Information Technology Act, along with all the other laws.

If you are a print journalist and your report appears online in media company's website, Information Technology Act apply to you. Unlike print publications, online news sites or portals do not have to be registered in India. All you need is a domain name registration. Only some press laws will apply to a news website in India. Online media does not come under the purview of the Press Council of India, the Working Journalists Act, The Press and Registration of Books Act, 1867, The Young Persons (Harmful Publications) Act, 1956 and the Delivery of Books and Newspapers (Public Libraries) Act, 1954. However, since the amended Information Technology Act, 2000, governs all electronic communication, a news website will come under its purview. Reporters and web editors are legally responsible for content on a site. Under the amended IT Act, 2000, all responsibility for ensuring that no 'objectionable' content is uploaded online and for taking down content will vest with the intermediary. Face book relies on its user community to determine if the content is offensive or not. Every wall post, photo, note etc. has a report abuse link embedded in it. Unlike Twitter, Face book maintains no record of censorship. The intermediary hosting your site, your editor, reporter will be held responsible. Content on social media networks is usually public, unless users activate privacy settings to restrict viewers. So journalists can use content from social media networks but it is a good idea to be ethical in using material that can compromise privacy. If a blogger posts blogs that are journalistic in nature, i.e., the blogger uses the blogging platforms for posting reports, views, opinions, comments on events, then the blogger can be called a journalist. Bloggers and journalists share the same protection under the law because article 19 (1) (a) that defines freedom of expression applies to all citizens. The media in India does not enjoy special privileges under the law unlike US, where freedom of press was ratified by the First Amendment. A journalist can publish their stories on their personal blogs. A lot depends on the nature of contract with the concerned media organisation s/he works for. A journalist can publish their stories giving an attribution to the employer that published the story originally. If the contract is such that the journalist retains her/his copyright of the story, then the journalist ought to mention it clearly. An online journalistic report seeks to collect and provide information that has a public interest. A blog post can be about a wide range of subjects written in various styles- from one's opinions, reports and factual information to personal accounts of one's travels, cookery, pets, health, philosophy etc. Legally, both online journalistic reports as well as blog-posts have the same status under the IT Act.

The blog owner is responsible for the comments on his/her blog. The responsibility also extends to the websites offering free blogging services or the blog hosts. The intermediary is solely responsible for taking down content. If a report elicits comments that are deemed offensive, then the web editor, the reporter, the publisher of the website (if any) will be held primarily responsible and a suit can be filed against them even after takedown of the content. Currently, under the IT Act, there is no provision or forum for you to challenge a complaint or a take down notice. You will have to take down the content within 36 hour of receipt of the complaint and then challenge it in a court of law. Content on social media networks is usually public, unless users activate privacy settings to restrict viewers. So journalists can use content from social media networks but it is a good idea to be ethical in using material that can compromise privacy. If the content is part of a blog created by an individual blog creator, it will vest with the creator. It is a very good idea to state the terms of ownership and sharing of the content prominently on the site. If the content is part of a website, it will vest with the owner of the website. Several bloggers or website owners do try to share content for non-commercial use and obtain limited licences for this. More information can be obtained from [Creative Commons](http://creativecommons.org/licenses/by/4.0/) and Copyleft. Copyright comes into existence as soon as a work is created and no formality is required to be completed for acquiring copyright. However, it is advisable to state the terms of copyright at the bottom of your website. No. There is no copyright over news. However, there is copyright over the way in which a news item is reported. <http://presscouncil.nic.in/norms.htm> For photographers, refer Section 17(b) and for journalists, refer Section 17(a) of amended Copyright Act, 1957

Web journalism is search-based. A reader can locate the story of his choice by typing the search word or a search phrase. A news story once published on the site can be accessed 24/7 from the newspaper's online archives in contrast to a printed newspaper where one has to visit a library to locate a story that has been printed a month or a year ago. Newspapers can never match the convenience that media websites bring in terms of access and retrieval. The website can be updated round-the-clock in contrast to the printed newspaper which is printed only once in a day for a specific distribution area. This gives web journalism a big plus over the printed paper. A news website can publish news stories as video reports or multimedia stories, making web journalism a highly versatile news medium. A newspaper is limited to text. This limits the appeal of a newspaper considerably. Citizens can force every PA to create information every day strictly as per the system and procedure as per listed Acts and rules regulations listed under 4(1) (a) (b) (c) every day and that can be cross checked by applicant by asking reasons under 4(1) (d) by the affected person and copy of the same can be given to any applicant under 2( f) of RTI Act. Promote transparency and accountability in the working of every public authority. Policy on Prevention, Detection, and Remediation of Fraud and Corruption by government is must and a major element of good governance is the control of corruption. For that reason, controlling corruption has been a key indicator. Good governance is a keystone of government. UPA government has given you RTI Act: Use It optimally :All opposition parties should use RTI optimally. Let them create booth wise RTI activists among their members or cadets and give them training and set of questions and gather that booth level information to perform better as opposition parties. Prime Minister should listen to opposition parties as they are voice of 66% voters. All responsible citizens should send RTI Question to each MP and each Minister and Prime Minister and get to know every day what they are doing and what they are performing and keep check on their performances and give them clear indication that India is awakened and want responsible Government which listens citizens.. All 70 MLAs and 543 MPs are public servants : After election are over all MLAs are public servants and they are MLA for all the constituency. All MLAs should chalk out their plans for development of their constituencies irrespective of who voted for them or who is not voted for them. THE RIGHT TO INFORMATION ACT, 2005 is an Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority.

RTI Act provides transparency under Section 3 and 4(1) (a) (b) (c) and 2(f) of RTI Act 2005 and accountability under 4(1) (d) RTI Act 2005 as the PA will create information; or to interpret information; or to solve the problems raised by the applicants under the system and procedure as per listed Acts and rules regulations listed under 4(1) (a) (b) (c) every day and that can be cross checked by applicant by asking reasons under 4(1) (d) by the affected person and copy of the same can be given to any applicant under 2( f) of RTI Act. RTI is a total problem solving mechanism and not just record providing tool. RTI will provide transparency under 4(1) (a) (b) (c) and 2(f) of RTI Act 2005 every day and Accountability can be ensured under 4(1) (a) (b) (c) (d) and 2(f) of RTI Act 2005 and this will reduce the corruption in every public authority. RTI Act is an Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. The information under RTI Act is defined in, Section 2(f) of the RTI Act, which defines "information" under this Act, unless the context otherwise requires, - (f) "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;". This act can be called as the "law

