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### **NEARBY**



**Supreme Court dismisses** Nirbhaya convict's plea

NEW DELH Nirbhaya case convict Mukesh's challenge against the President's rejection of his mercy petition was on Wednesday dismissed by a three-judge Bench led by Justice R. Banumathi. The court said a quick decision by the President did not mean there was non-application of

**NEWS** ▶ PAGE 12

#### Protesters gather at Jantar Mantar over CAA

Hundreds of people gathered at Jantar Mantar under the banner of "Alliance against CAA-NRC-NPR" on Wednesday. Holding the Tricolour, protesters, including those who have been on an indefinite stir at Shaheen Bagh, held posters of the Preamble of the Constitution

CITY ▶ PAGE 4



# Centre advises against travel to China; IndiGo, AI cut services

Beijing's permission sought to operate 2 flights to bring back Indians from Hubei

SPECIAL CORRESPONDENT NEW DELHI

The Union Health Ministry on Wednesday advised people to refrain from travelling to China in the wake of the coronavirus outbreak, as the death toll there rose to 133 with nearly 1,500 new cases.

The fresh advisory came hours after a communication from the Ministry said, "All non-essential travel to China should be avoided."

The Government of India has sought the Chinese authorities' permission to operate two flights to bring back Indians from Hubei Province. Meanwhile, two Indian carriers that fly to China – IndiGo and Air India – on Wednesday announced suspension of most of their

flights to that country.

IndiGo announced that it was suspending its Delhi-Chengdu and Bengaluru-Hong Kong flights with effect from February 1. However, it will continue to operate the Kolkata-Guangzhou flight. The airline said it was taking precautions for its crew to ensure that they don't have a layover in China and can return on the same flight.

Air India too cancelled its Mumbai-Delhi-Shanghai flights with effect from January 31, though it will continue to fly to Hong Kong.



All ready: The new coronavirus isolation ward at TB and Chest Diseases Hospital in Puducherry on Wednesday. • M. SAMRAJ

### U.S., Japan pull out nationals

The U.S. and Japan evacuated their nationals from the quarantined city of Wuhan, the epicentre of the coronavirus outbreak in

Beijing's pledge to slay the "devil" coronavirus has won the trust of the World

1.459 cases – taking the total to 5,974 in China – fuelled public alarm worldwide. Foreign airlines, including British Airways, began suspending flights to and from China on Wednesday.

Health Organisation, but

confirmation of another

**FULL REPORT ON ▶** PAGE 14

Screening of ship passengers and crew for the virus at ports in the country was also initiated.

Chinese Ambassador to India Sun Weidong tweeted, "The World Health Organisation (WHO) does not recommend the evacuation of nationals, and called on the international community to remain calm and not overreact. The WHO is confident in China's epidemic prevention and control ability."

**CONTINUED ON ▶** PAGE 12

### All-clear for suspected cases in north India

SPECIAL CORRESPONDENT

Puniab Health Minister Balbir Singh Sidhu on Wednesday said medical tests of the suspected Mohalibased coronavirus patient, who was admitted at Postgraduate Institute of Medical Education & Research Chandigarh, have proved negative. "There is no case of coronavirus in the State," he said.

A man, who was found with coronavirus symptoms in Jaipur, also tested negative and 18 others under observation in Rajasthan were in good health, officials said.

In Madhya Padesh, a 50year-old woman and her 20-year-old son who were admitted in a hospital in Ujjain tested negative for the deadly pathogen.

Also on Wednesday, the administration in Jammu and Kashmir decided to set up multiple isolation wards even as 32 students from the region remain stranded in China.

(With inputs from PTI)

# Time limit on advance bail violates personal liberty: SC

'Provision stops foisting of false cases by the powerful'

KRISHNADAS RAJAGOPAL

The protection of anticipatory or pre-arrest bail cannot be limited to any time frame or "fixed period" as denial of bail amounts to deprivation of the fundamental right to personal liberty in a free and democratic country, a Constitution Bench of the Supreme Court ruled on Wednesday.

A five-judge Bench, led by Justice Arun Mishra, acknowledged that anticipatory bail helps thwart influential powers from implicating their rivals in false cases. Section 438 (anticipatory bail) of the Code of Criminal Procedure protects people from the ignominy of detention in jail for days on end and disgrace to their reputation. The court recorded its amicus curiae and senior advocate Harin Raval's argument that anticipatory bail is all the more needed now because there is an accentuation of political rivalry and "this tendency is showing signs of steady increase".

"The life or duration of an anticipatory bail order does not normally end at the time and stage when the accused is summoned by the court, or when charges are framed, but can continue till the end of the trial," the court held.

The questions referred to the Constitution Bench were

### The back story of advance bail

■ The old Cr.PC of 1898 did not contain any specific provision corresponding to the present Section 438. There was a difference of opinion among various HCs whether court had an inherent power to grant pre-arrest bail

The Law Commission of India on September 24. 1969, highlighted the need for introducing a provision in the Code enabling courts to grant "anticipatory bail" as an antidote to detention in false cases

Clause 447 of the Draft Bill of 1970 was enacted with some modifications and became Section 438 of the Cr. PC, 1973

A five-judge Supreme Court Bench in the 1980 case of Gurbaksh Singh Sibbia vs. State of Punjab interpreted that the power to grant anticipatory bail is "cast in wide terms and should not be hedged in through narrow judicial interpretation". It \_ could impose

twofold: whether the protection granted to a person under Section 438 should be limited to a fixed period till the accused surrenders in court, and whether the life of anticipatory bail should end when the accused is summoned by the court. The 133-page judgment in-

cludes two separate and concurring opinions by Justices M.R. Shah and S. Ravindra Bhat. Justices Mishra, Indira Banerjee and Vineet Saran joined them to issue guidelines for courts while granting anticipatory bail.

"The history of our Republic - and indeed, the freedom movement –

shown how the likelihood of arbitrary arrest and indefinite detention and the lack of safeguards played an important role in rallying the people to demand independence," Justice Bhat wrote on the importance of the provision.

"The spectre of arbitrary and heavy-handed arrests: too often, to harass and humiliate citizens, and oftentimes, at the interest of powerful individuals (and not to further any meaningful investigation into offences) led to the enactment of Section 438," he added.

**CONTINUED ON ▶** PAGE 12

## MEPs defer vote on **CAA** motion to March

India hails it as 'diplomatic win'

SUHASINI HAIDAR

Members of the European Parliament (MEPs) began a discussion on a joint motion criticising India's Citizenship Act on Wednesday night. In partial relief for the government, however, the MEPs decided not to hold a vote on the motion until the second

half of March this year. On March 13, Prime Minister Narendra Modi is due to visit Brussels for the EU-India summit, and an amendment moved by MEP Michael Gahler of the European People's Party (EPP) sought time so as to ensure that India could engage with the MEPs on the

motion. "The issue is ongoing as the Supreme Court has asked the government a number of questions and we should await their answers. We will

Parliament.

to enhance the upper gesta-

tion limit from 20 to 24 weeks

for special categories of wo-

men that will be defined in

the amendments to the Medi-

cal Termination of Pregnancy

Rules and will include "vul-

nerable women including sur-

vivors of rape, victims of in-

cest" and others like

differently abled women and

minors. Also, the upper gesta-

Cabinet nod for raising

abortion limit to 24 weeks

also have the opportunity to speak directly to Indian government Ministers about the Citizenship Law in February," said Mr. Gahler, referring to the upcoming visit to Brussels of External Affairs Minister S. Jaishankar, while proposing the postponement. Sources in the government

called the vote being put off a "diplomatic victory for India", and blamed Pakistan, and in particular one British MEP Shaffaq Mohammad, for bringing the six different resolutions criticising India to the European Parliament, just days before Britain is due to exit the European Union. Neither the discussion nor the vote can be enforced by the EU parliament on India, but they could become a cause for strain in ties.

'AN INTERNAL MATTER' ▶ PAGE 13

## Anurag, Parvesh out of BJP star campaigners list

SPECIAL CORRESPONDENT

The Election Commission of ordered the removal of Union Minister Anurag Thakur (in picture) and BJP MP from

West Delhi Parvesh Sahib Singh from the BJP's list of star campaigners for the Delhi Assembly election after *prima facie* finding that their recent statements were in violation of the Model Code

of Conduct.

In a statement, the ECI said: "The Election Commission has ordered the removal of Sh. Anurag Thakur and Sh. Parvesh Sahib Singh from the list of star cam-

paigners of the Bharatiya Ianata Party for the elections to the Legislative Assembly mediate effect and until further orders (sic)." **CONTINUED ON ▶** PAGE 12

# AMARNATH TEWARY

The Janata Dal (United) on Wednesday expelled nation-Kishor and national general secretary Pawan Varma from its primary member-

JD(U) expels Kishor, Varma ship with immediate effect.

Soon both leaders offerred wishes to JD(U) president Nitish Kumar for him to "retain the chair of Minister of Bihar at any cost".

**CONTINUED ON ▶** PAGE 12

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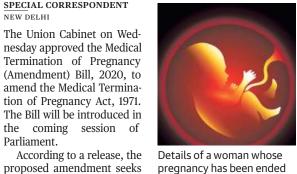
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tion limit will not apply to cas-



pregnancy has been ended shall not be revealed. ■ GETTY IMAGES/ISTOCKPHOTO

"Name and other particu-

#### es of substantial foetal abnormalities diagnosed by the Medical Board.

lars of a woman whose pregnancy has been terminated shall not be revealed except to a person authorised in any law for the time being in

force," the release said.