

Central Chronicle

Founder: Late Shri Ramgopal Maheshwari
Inspiration: Late Shri Prafulla Kumar Maheshwari

EDITORIAL

Consumer Protection

The Supreme Court has accepted that lawyers cannot be held responsible for deficiency in service under the Consumer Protection Act 2019, now on this basis, a decision is likely to come about doctors as well. The Supreme Court bench of Justice Bela M Trivedi and Justice Pankaj Mithal said that the nature of work in the legal profession is specific, so it cannot be compared with other professions. On this basis, the Supreme Court ruled that lawyers cannot be sued for poor service in consumer courts. However, the Supreme Court bench said that lawyers should respect the autonomy of the client, lawyers should not have the right to give concessions and violate rights without the clear instructions of the client.

The client and the lawyer have direct control to a large extent. The Supreme Court expressed its opinion and accepted that the contract between the lawyer and the client is personal service and the said contract is outside the definition of service under the Consumer Protection Act, due to which lawyers cannot come under the purview of consumer law. The Supreme Court gave this order while passing a joint decision on the petition filed by bar organizations like Bar Council of India, Delhi High Court Bar Association and Bar of Indian Lawyers and other individuals. The said organizations had challenged the 2007 decision of the National Consumer Disputes Redressal Commission, which said that advocates and their services come under the purview of the Consumer Protection Act. The National Consumer Commission had said in one of its decisions that the service given by a lawyer to his client is in exchange for money. Therefore, it is like a contract. In such a situation, the client can file a consumer suit against his lawyer for deficiency in service, but the Supreme Court has rejected it.

The judges of the Supreme Court accepted that advocacy is a profession. It cannot be seen as a business. A person comes to a profession with high level training, hence his work cannot be called a business. The Supreme Court also said in its decision that a lawyer works on the

instructions of his client. He does not give any statement in the court on his own behalf or does not give any proposal regarding the settlement of the case. For this reason, his service cannot be considered under the definition of consumer service given in the Consumer Protection Act. The Supreme Court also clarified, 'We do not want to say that lawyers cannot be sued under the general law for negligence, but they do not come under the Consumer Protection Act. The Supreme Court said that, according to the Consumer Protection Act, a professional cannot be considered equal to businessmen, traders or service providers of products or goods, so the Supreme Court believes that the purpose of the Act is only to provide protection to the consumer from unfair trade practices and unethical business practices, in which no professional can be included. On the question whether an advocate is a service under the contract of service, the Supreme Court bench said, we have considered the provisions of the Advocates Act, Bar Council Rules and Consumer Protection Act. The above approach will indicate unique characteristics of the relationship between an advocate and his client. Advocates are considered agents of their clients and they have to perform fiduciary duties towards their clients. Advocates should respect the autonomy of the clients to decide at least about the purposes of representation. Advocates are not entitled to make concessions or give any undertaking to the court without the explicit instruction of the client. They have a serious duty not to violate the rights given by the client. A bench of two judges of the Supreme Court has also pointed out the need to reconsider the decision given in the case of 'Indian Medical Association vs V P Shanta' in 1995. In that decision, the Supreme Court had termed the medical profession as a service under consumer protection, which remains intact till date. If the Supreme Court reconsiders the service of doctors following this decision given in favor of lawyers, then it is possible that doctors may also be out of the purview of consumer law.

A Scandalous irony and neglect

Sujit De
Indian Railways have been playing with our lives by not filling up vacant posts and by forcing their personnel to overwork. Railway officials said that a preliminary probe indicated the loco pilot of the goods train disregarded the signal, which led to the Kanchenjunga Express accident.

Nidhu Bhushan Dutta, a permanent invitee-member of the All India Loco Running Staff Association and former working president of the organisation, rightly said, "We are surprised that the railway board chief accused the deceased loco pilot of overshooting the signal before any proper inquiry. Why didn't they fill the vacant posts? Why did they force train drivers to work beyond their capacity?"

An RTI reply says that of 1,27,644 sanctioned posts of loco pilots and assistant loco pilots, 18,766 - nearly 15 per cent - were vacant as of March 1 this year.

Two freight trains collided and hit a third on April 19, 2023 in Singhpur, Madhya Pradesh. A loco pilot was instantly killed. The loco pilot, Rajesh Prasad Gupta, had worked 14 to 15 hours

of duty at a stretch when the accident took place. The Commissioner of Railway Safety Report observed that, most likely, the loco pilot became sleepy because of exhaustion, and as a result, the collision took place.

After the said accident in April 2023, three major train accidents took place within a span of one year and two months. A collision

Train Collision Avoidance System, which was later renamed as Kavach, is an automatic train protection system that helps prevent collisions if two trains are on the same tracks. Had it been in place, it would have saved the collisions between Kanchenjunga Express and the goods train. Senior railway officials said that a field trial was started for Kavach

is high cost and technical challenges. What a joke! The cost is a factor when it comes to enhancing safety and saving human lives. But cost is not a factor for a glamorous bullet train project!

When we have a speedier alternative in air transport, there is no reason why Indian Railways must compete with airways. Railways cannot make their bullet ride a cheaper option than air travel. The government needs to make existing train journeys more punctual and safe instead of sweeping train safety under the carpet of bullet and Vande Bharat trains. Kavach should immediately be installed in the rest of nearly 98 per cent of railway tracks. Plus, all railway vacancies must be filled up without any delay. It will be dangerous if train drivers are forced to do extra shifts. It will be equally dangerous if there is a lack of man power in the field of track inspections and maintenance. Two things surprisingly coexist - a rise in unemployment and a fall in railway recruitment. It is a scandalous irony in a country that is rich in demographic assets.

When we have a speedier alternative in air transport, there is no reason why Indian Railways must compete with airways. Railways cannot make their bullet ride a cheaper option than air travel. The government needs to make existing train journeys more punctual and safe instead of sweeping train safety under the carpet of bullet and Vande Bharat trains.

among three trains happened in Odisha's Balasore on June 2, 2023. That accident claimed 296 lives. Then two trains collided in Andhra Pradesh's Vizianagaram, killing 17 people on October 29. Now, Down Kanchenjunga Express from Agartala to Sealdah got hit from behind by a goods train near Rangapani railway station on June 17.

in 2016. But it has been installed only in less than 1,500km of tracks out of the total 70,000km covered by the Indian Railways across the country. That means this life saving device has so far been placed in only a little over 2 per cent of railway tracks in eight years after its field trials!

Now, what is the reason? Railway officials said that the rea-

Why was Faggan Singh dropped from Union Cabinet?

Mahakaushal's Diary
Avinash Dixit

The speculations about senior tribal leader and former Union Minister Faggan Singh Kulaste, who was elected MP for the seventh time from Mandla parliamentary seat, not getting a place in the Union Cabinet have not stopped yet. Discussions are still going on in political circles as to why Kulaste could not get a place in the Modi Cabinet. Some analysts believe that due to the decision to promote new tribal leadership, he did not get preference, while some are saying that Faggan Singh Kulaste could not get a place in view of caste and regional equations. Apart from this, recently Faggan Singh had given a statement regarding not being included in the Modi Cabinet, that it would have been fine if I had got the post of Cabinet Minister, I have been a Minister of Stat at the Centre thrice, if I had become a Minister of State for the fourth time, it would not have been right, so I refused.

His statement had created a stir in the political corridors. However, later he clarified that this is not an

issue, the Prime Minister has to decide on this, I have also performed many other responsibilities in the party, I will fulfill whatever responsibility is given to me. At present, nothing can be said about how the central leadership of the party is taking these two separate statements of Shri Kulaste, but it is being discussed in political circles that his performance during his tenure in the previous Union Cabinet was not as per the expectations of the leadership. Apart from this, after the defeat in the assembly elections, many leaders of the Mandla parliamentary constituency were expressing their dissatisfaction towards him in a low voice. Although despite this, Faggan Singh succeeded in winning the Mandla Lok Sabha seat by a big margin and it was believed that this time too he would get a place in the Modi cabinet. But in politics, nothing can be said about when and what happens.

School mafia succeeded in manoeuvring...?

The echo of the action taken against the school-book mafia, which looted the parents, took commission and arbitrarily charged

huge fees, was heard not only in the city but also in the state and across the country. Many districts of the state, taking this action as an example, are planning to provide relief to the parents of school children from the arbitrary fees of private schools. With this action, the hope of getting relief to the parents of school children from arbitrary fee collection had increased. Also, as the scope of investigation in the case was expanding, new revelations and misdeeds of school operators and book depot operators were also coming to the fore. Also, many schools also came under the radar of investigation, which were also about to be punished. But after the ongoing action, the school mafia, which was agitated, tried various tricks and united from Delhi to Bhopal and held secret meetings to put pressure on the government and went on an undeclared strike and made the excuse of summer vacation. After this, Collector Deepak Saxena hurriedly called a meeting of school operators and school association and said that if the action against the arbitrariness of private schools has started from Jabalpur, then efforts to cor-

rect the flaws in the system should also be made from Jabalpur. This will send a good message in the state and the country and will remove the negative perception of parents, children and society about private schools. He said that the school operators and managers will have to introspect on the environment created by the general public regarding private schools and think about how to remove whatever mistakes they have made. If the private school operators take such a decision and implement it, then a good message about Jabalpur will be sent to the entire state and even the country. The collector clarified that the administration has no prejudice against private schools. The administration also had no malice behind the actions taken against the schools. They were given ample opportunity to correct the mistakes found in the investigation conducted on the complaints of parents. He clarified that if the school management is ready to correct the mistakes with good intentions, then the administration will give them full opportunity and will also cooperate.

Satire

Power to leaders, allowance to employees



Friend said to me: Corruption in India is a problem that has serious implications for protecting the rule of law and ensuring access to justice. As of December 2009, 120 of India's 542 parliament members were accused of various crimes, under India's First Information Report procedure wherein anyone can allege another to have committed a crime.

I said: Many of the biggest scandals since 2010 have involved high level government officials, including Cabinet Ministers and Chief Ministers. There have also been decades of numerous state and local level scam.

Friend said to me: Since the anti-corruption departments in India exist as defunct outfits, the corrupt bureaucrats and politicians keep committing acts of corruption with impunity. This fact is also stated in its annual country report released in April 2022 by the U.S. Department of State.

I said: In an exclusive section, "Corruption and Lack of Transparency in Government", the report asserts that the law provides criminal penalties for corruption by officials at all levels of government in India. However, officials frequently engaged in corrupt practices

with impunity while there were numerous reports of government corruption during the year. The U.S. report further reveals that a lack of accountability for official misconduct persisted at all levels of government in India, contributing to widespread impunity. While investigations and prosecutions of individual cases took place, lax enforcement, a shortage of trained police officers, and an overburdened and under-resourced court system contributed to a low number of convictions, the report said.

Friend said to me: The U.S. report adds that corruption in India happens at different levels including the payment of bribes to expedite services such as police protection, school admission, water supply, and government assistance. A 2005 study done by the Transparency International in India found that more than 62% of the people had firsthand experience of paying bribes or peddling influence to get services performed in a public office. Taxes and bribes are common between state borders. Transparency International estimates that truckers annually pay ₹222 crore in bribes. Both government regulators and police share in bribe money, to the tune of 43% and 45% each, respectively.

Science Fact

International Yoga Day with the Goodness of Almonds For Huiman body

International Yoga Day, celebrated annually on June 21st, emphasizes yoga's holistic approach to health and well-being. This day aims to raise awareness about the benefits of incorporating yoga into daily life for improved physical, mental, and spiritual health. To maximize the benefits of yoga, it is essential to maintain a balanced, clean, and healthy diet. Such a diet includes seasonal fruits and vegetables, leafy greens, whole grains, pulses and nuts like almonds, all of which play a vital role in maintaining overall health and well-being. Almonds, in particular, contain 15 essential nutrients, including protein, zinc, magnesium, phosphorus, calcium and vitamin E. Incorporating a handful of almonds into your daily diet offers numerous health advantages. Almonds help keep the heart healthy, help to manage weight and cholesterol levels, and support immunity, which is crucial for overall well-being. Almonds are also a great pre-workout snack, as they can help alleviate muscle soreness and improve post-exercise recovery, as revealed by the recently released Witard study funded by the Almond Board of California. So, be sure to add almonds as a pre-workout snack for optimal results. Talking about International Yoga Day, Bollywood actress Soha Ali Khan said, "I have been practicing yoga for a long time and have experienced positive health benefits such as improved gut health, stronger immunity, better skin, and more.

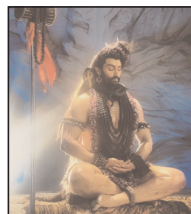


Spiritual

Actors perform Yoga like Lord Shiva celebrate 'International Yoga Day'

Ram Yashvardhan, who essays the role of Lord Shiv in 'Shiv Shakti - Tap Tyag Tandav' says, "Lord Shiva is revered as Adiyogi - the embodiment of yoga itself. He is the divine lord who governs the union of body, mind, and consciousness. According to our ancient scriptures, it was Lord Shiva who first shared the knowledge of yoga and meditation with his beloved wife, Goddess Parvati. For me, it is a great honour to portray such a sacred figure in the show 'Shiv Shakti - Tap Tyag Tandav'. Through this role, I have the privilege of bringing Lord Shiva's teachings and wisdom to life for the audience. I aim to depict Lord Shiva's lessons - the importance of self-discipline, and the power of meditation." Sumona Chakravarti, a contestant in 'Khatron Ke Khiladi 14' says, "Yoga has been an integral part of my life for many years now.

It's not just a practice but a way of life that has grounded me, strengthened me, and brought immense peace amidst life's challenges. On this Yoga Day, I encourage everyone to explore its power and discover the profound joy it can bring." Deepika Singh, who essays the role of Mangal in 'Mangal Lakshmi' says, "Yoga has become a big part of my daily life, and after long shooting hours, yoga helps me unwind and recharge. Practicing yoga not only keeps me physically fit but also brings a sense of balance to my mind and body. On this International Yoga Day, I want to encourage everyone to embrace yoga and experience its benefits. Start small, with simple poses and deep breaths, and you'll soon feel the positive impact it can have on you. Let's celebrate this ancient practice and make it a part of our daily routine."



Letter to the Editor

BJP party faces shock setbacks

Sir, Nowadays throwing shoes at political leaders is common across the world. So, I'm not surprised to hear that Prime Minister (PM) Narendra Damodardas Modi was on his first visit to Varanasi after winning his election there for the third time, albeit with a sharply reduced majority, when someone welcomed him by throwing his shoes. This is not the first time, earlier also several times our God's son Modi was welcomed by the people through shoes, mobile etc. Actually, politics of shoe hurling, blackening and slapping is rampant in India. But the people are shocked to hear that this shoe would be the first instance of an object landing on the PM's car, which is surrounded by the taxpayers money of Rs. 6lakh 75 thousand per hour SPG cost. Interestingly, a member of the PM's security is seen stretching out his arm, retrieving the object and throwing it away (it means it's not mobile), even though he also didn't indicate whether this was a serious security lapse. God knows what is a serious security lapse to this officer. Agree, across the world, several leaders big and small have faced projectiles hurled at them. In the UK, maverick rightwing leader Nigel Farage has had several objects thrown at him in recent weeks. Going back further in December 2008 Iraqi journalist Muntadhar al-Zaidi had hurled a shoe at the then visiting US president George W Bush during a joint press conference with Iraqi prime minister Mouri al-Maliki. Bush had managed to duck and avoid the shoe. Even in India, Arvind Kejriwal blackened his face by ink or his partyman, the late Jarnail Singh, a head hurling a shoe at then Union home minister P Chidambaram for allegedly defending the CBI's exoneration of Jagdish Tytler in the 1984 anti-Sikh riots and many others. Whatsoever, it's a trend creeping in fast to show dissent. Even then it should be avoided not only against the PM, but also to other leaders.

Bidyut kumar Chatterjee

Tech

Google DeepMind unveils next generation of drug discovery AI model

Google Deepmind has unveiled the third major version of its "AlphaFold" artificial intelligence model, designed to help scientists design drugs and target disease more effectively. In 2020, the company made a significant advance in molecular biology by using AI to successfully predict the behaviour of microscopic proteins. With the latest incarnation of AlphaFold, researchers at DeepMind and sister company Isomorphic Labs - both overseen by co-founder Demis Hassabis - have mapped the behaviour for all of life's molecules, including human DNA.

The interactions of proteins - from enzymes crucial to the human metabolism, to the antibodies that fight infectious diseases - with other molecules is key to drug discovery and development. DeepMind said the findings, published in research journal Nature on Wednesday, would reduce the time and money needed to develop potentially life-changing treatments. "With these new capabilities, we can design a molecule that will bind to a specific place on a protein, and we can predict how strongly it will bind," Hassabis said in a press briefing on Tuesday. "It's a critical step if you want to design drugs and compounds that will help with disease." The company also announced the release of the "AlphaFold server", a free online tool that scientists can use to test their hypotheses before running real-world tests. Since 2021, AlphaFold's predictions have been freely accessible to non-commercial researchers, as part of a database containing more than 200 million protein structures, and has been cited thousands of times in others' work.



Send your articles on email: chroniclebpl@gmail.com