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Framed & fired? Court to rescue - Men charged with cruelty at home should not be suspended till guilt is proved: HC

TAPAS GHOSH

Calcutta, Aug. 27: Hapless and jobless husbands take heart. Help is at hand.

Taking pity on the thousands who get suspended from their jobs for spending more than 24 hours in police lock-up, often on false charges made by their wives, Calcutta High Court will try and convince the government to change the age-old rule.

Around 2,500 men are suspended every year after being arrested under Section 498A (Cruelty and Torture on Housewife) of the Indian Penal Code ? the rulebook says any employee who spends more than 24 hours in police custody should be suspended.

Although 50 per cent of them are exonerated of all charges because of lack of evidence, they have to live with the shame for years. It often takes 10 to 15 years for a court to declare a person innocent and then have him reinstated.

"During my time, I came across a case where a person was suspended but was proved innocent after 21 years of trial," Justice N.A. Chowdhury, a former judge of Calcutta High Court, said.

However, the judiciary has been trying to ensure that people are not suspended from work until proven guilty. In three recent cases, the high court bench of Justices Arun Kumar Mitra, Bhaskar Bhattacharya and Pratap Kumar Roy had asked employers to wait before taking any action.

"Till the crime against the accused person is proved in court, the employer should not take any penal measures against the employee concerned," they had observed.

"Moreover, the government is facing a loss for paying 50 per cent of the salary to a person who is not providing any service to it. (According to the rules, the employer has to pay 50 per cent salary to a suspended employee)."

The bench made the observations after taking note of the inordinate delay by investigating authorities to collect evidence against the accused.

The judges said the rules should be changed immediately. In Calcutta alone, 5,000 cases are lodged under Section 498A every year and in all the cases, the husbands are arrested.

While some private companies ignore the 24-hour norm and do not take immediate action, employees of government offices are not so lucky.

Justice P.K. Roy of Calcutta High Court had once directed the state government's housing department to withdraw the suspension order issued against an employee, who had to spend seven days in police custody following a complaint lodged by his wife.



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