



Supreme Court bars coercive action against 'Loveyatri'

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Justice Ranjana Prakash Desai (retd.) to head Lokpal search panel

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Christine Blasey Ford testifies against U.S. Supreme Court nominee

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India takes on Bangladesh in Asia Cup final today

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Idols recovered from businessman's house

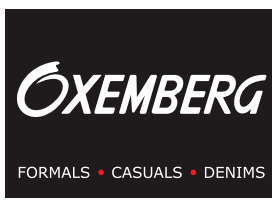
CHENNAI
The Idol Wing Police on Thursday recovered antique idols and artefacts worth several crores of rupees from the house of businessman Ranvir Shah at Srinagar Colony in Saidapet. The idols were purchased by Mr. Shah from an unlicensed dealer of antiques, the police said.

TAMIL NADU • PAGE 4

HC criticises rail officials for unclean trains

CHENNAI
Criticising the Southern Railway officials for not keeping the trains clean, the Madras High Court has directed its General Manager to provide exclusive phone numbers so that passengers could lodge complaints. "Most coaches are filled with cockroaches," Justice S.M. Subramaniam noted.

TAMIL NADU • PAGE 7



METRO PLUS • 12 PAGES
DOWN TOWN • 8 PAGES
(TABLOID - IN SELECT AREAS)
FRIDAY REVIEW • 12 PAGES
(TABLOID)

HC summons Tangedco Chairman

SPECIAL CORRESPONDENT
CHENNAI

Noting that unscheduled power cuts were occurring across the State every day, the Madras High Court summoned the Secretary, Energy Department, and the Chairman, Tangedco, on Friday to answer a number of questions including whether there is a shortage of electricity in Tamil Nadu.

Hearing a contempt petition filed by the Tamil Nadu Spinning Mills Association that the State government was continuously backing down wind energy, Justice N. Kirubakaran said there were many news reports that there was a shortage of coal in the State.

Justice N. Kirubakaran observed that electricity was very essential.

CONTINUED ON • PAGE 6

Hearings on Ayodhya title suit to resume, decides SC

■ Plea to refer issue to larger Bench rejected

■ New three-judge Bench to be constituted

■ Hasty decision, says dissenting judgment

KRISHNADAS RAJAGOPAL
NEW DELHI

A three-judge Bench of the Supreme Court, in a majority opinion of 3:1 on Thursday, declined to refer the question if a "mosque as a place of prayer is an essential part of Islam" in the Ramjanmabhoomi-Babri Masjid appeals to a seven-judge Bench.

The majority view by Chief Justice Dipak Misra and Justice Ashok Bhushan ordered that the hearing in the main Ayodhya title suit appeals should resume in the week commencing from October 29.

With Chief Justice Misra retiring on October 2, a new three-judge Bench would be constituted.

On 1994 judgment

The bone of contention here is an observation made by a Constitution Bench of the Supreme Court in the 1994 judgment in the Ismail Faruqui case. It had stated that "a mosque is not an essential part of the practice of the religion of Islam and *namaz* (prayer) by Muslims can be offered anywhere, even in open".

Justice S. Abdul Nazeer, in a stinging dissent, observed that the question of what is

Endgame soon

A look at the legal history of the Babri Masjid structure since Independence



1949: Idols of Ram Lalla placed under a central dome outside the disputed structure

1950: Gopal Simla Visharad files suit in the Faizabad district court for rights to worship the idols of Ram Lalla

1959: Nirmohi Akhara files suit seeking possession

1981: U.P. Sunni Central Waqf Board files suit

FEB. 1, 1986: Local court orders the government to open the site for Hindu worshippers

DEC. 6, 1992: Babri Masjid demolished

1993: Writ petition by Ismail Faruqui in the Allahabad HC

1994: SC says in Faruqui case that a mosque is not integral to Islam

SEPT. 30, 2010: HC, in a 2:1

majority, rules for three-way division of the disputed area

MAY 9, 2011: SC stays Allahabad HC verdict on Ayodhya land dispute

APRIL 6, 2018: Rajeev Dhavan files a plea in the SC to refer the issue of reconsideration of the observations in its 1994 judgment to a larger bench

SEPT. 27: SC declines to refer case to a five-judge Constitution bench. Case to be heard by a new 3-judge bench from October 29

SOURCE: PTI

essential or not in a religion cannot be hastily decided. He held that the question raised on the essentiality of offering prayers in mosques should indeed be examined by a seven-judge Bench before the Ayodhya suit appeals are heard.

Justice Nazeer said the questions raised during the Ayodhya appeals' hearing about the comment made in the Ismail Faruqui judgment require a "comprehensive examination" by a seven-judge Bench.

Fundamental rights

What is essential or not in a religion can be decided only after studying tenets, beliefs, and doctrines. Justice Na-

zeer held that the comment has to be examined in the background of the fundamental right against discrimination under Article 15 and the protection guaranteed to practice, profess and propagate religion in Articles 25 and 26 under the Constitution.

As the hearings progressed in the appeals, the Muslim appellants had pressed that the place of a mosque in Islam and the importance of the practice of offering prayers inside a mosque should be first decided by a five-judge Bench.

CALL FOR RETHINK • PAGE 14

1994 ORDER IN CONTEXT OF ACQUISITION, SAYS SC • PAGE 14

BJP hopes Ram temple will be built

Calling the Supreme Court ruling as "a step in a positive direction", the BJP hoped that the verdict would eventually pave the way for construction of a Ram temple on the disputed site. The RSS too welcomed the ruling, exuding confidence that a "just" verdict would be delivered, while the Congress said "every party should follow whatever the top court decides."

REPORT • PAGE 14

Adultery is not a crime, rules SC; strikes it off IPC

■ How couples deal with it is a private matter, says CJI

■ Section 497 treats a woman as her husband's commodity

KRISHNADAS RAJAGOPAL
NEW DELHI

A five-judge Constitution Bench, led by Chief Justice of India Dipak Misra, in four separate but concurring opinions on Thursday held that adultery is not a crime and struck it off the Indian Penal Code.

Chief Justice Misra, in an opinion for himself and Justice A.M. Khanwilkar, observed that Section 497 (adultery) of the Code "commands" married couples to remain loyal to each other.

A matter of choice

Two individuals may part if one cheats, but to attach criminality to infidelity is going too far, the Chief Justice observed. Besides, there is no data to back claims that abolition of adultery as a crime would result in "chaos in sexual morality" or an increase of divorce.

How married couples deal with adultery is "absolutely a matter of privacy at its pinnacle", the Chief Justice wrote.

Loss of moral commitment in a marriage creates a dent in the relationship, but it is left to each individual to deal with the problem — some may forgive while others may seek divorce. Punishing each other or the wife's lover is unlikely to re-

In case of adultery, criminal law expects people to be loyal which is a command which gets into the realm of privacy — CJI DIPAK MISRA

Section 497 perpetuates subordinate status of women, sexual dignity, sexual autonomy... is based on gender stereotypes — JUSTICE D.Y. CHANDRACHUD

Ancient notions of man being perpetrator and woman being victim no longer hold good — JUSTICE ROHINTON NARIMAN

Adultery could be a moral wrong towards spouse and family but the question is whether it should be a criminal offence — JUSTICE INDU MALHOTRA

'Woman is free to choose'

Justice D.Y. Chandrachud held that a married woman can make her own sexual choices. By marrying, she has not consented to refrain from relations outside marriage without the permission of her husband.

A husband is not the owner of his wife's sexuality, he said. To be human involves the ability to fulfil sexual desires in the pursuit of happiness, he observed.

REPORT • PAGE 15

Telangana under poll code after EC order

It is applicable after House dissolution

SPECIAL CORRESPONDENT
NEW DELHI

The model code of conduct came into force on Thursday in poll-bound Telangana following an Election Commission directive that henceforth the guidelines would be implemented immediately after early dissolution of a Legislative Assembly.

Earlier, the restrictions came into force only after the announcement of the election schedule by the Commission. The code will be in effect till the completion of election for a new Assembly.

The TRS government in Telangana had prematurely dissolved the Assembly earlier this month.

Following the Commission's order, as communicated to the Cabinet Secretary and all Chief



O.P. Rawat

Secretaries, apart from the caretaker government, the government at the Centre and other States are also bound by the code.

"The Election Commission is committed to providing a level playing field to all the parties and candidates. The order is applicable to the entire country," Chief Election Commissioner O.P. Rawat told *The Hindu*.

CONTINUED ON • PAGE 14

Sabarimala temple entry verdict today

LEGAL CORRESPONDENT
NEW DELHI

A Constitution Bench, led by Chief Justice of India Dipak Misra, will pronounce its judgment on September 28 on petitions to lift the centuries-old prohibition on women in menarche entering the Sabarimala temple in Kerala.

The Bench has already remarked during the court hearings that a ban on entry of women at the Sabarimala temple is steeped in patriarchy and chauvinism.

If the ban is lifted, the case would be a precedent for future challenges against similar prohibitory practices in places of worship across religions.

If the court lifts the prohibition, a 27-year-old Kerala High Court judgment would be set aside.

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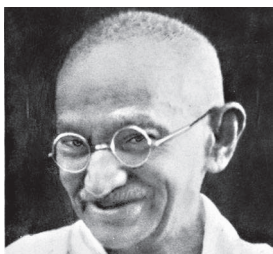
Gandhi Jayanti on a funeral ground?

No way, says the Indian community in Tehran, forcing the embassy to cancel event

KALLOL BHATTACHERJEE
NEW DELHI

The Indian embassy in Tehran has landed itself in a bizarre situation — of having to cancel a high-profile event that it had planned to mark the 150th birth anniversary of Mahatma Gandhi. And what's more, it was forced to do so by the local Indian community.

The event was scheduled to be held on October 4 at the Indian Community Cremation Ground or 'shamshan bhumii', maintained by the Gurudwara Committee under the auspices of the Tehran-based Guru Nanak Charitable Trust. However, the local Indian community protested after the Indian



The event to mark the birth anniversary of Gandhiji was to be held on October 4.

embassy sent out an email invitation on September 19 to dozens of Indian-origin residents in Tehran. The mail, seen by *The Hindu*, said the event would be followed by "light refreshments".

"We have witnessed India-Iran relations since the

1950s. Never have we seen the birth anniversary of Mahatma Gandhi being celebrated in a cremation ground. This is unheard of, and I really do not know how Indian diplomats could come up with such a plan. Cremation ground stands for sadness but the Embassy wanted to offer us refreshments there," said Harnam Singh, an elderly community leader in Iran.

Gift from the Shah

Further, the cremation ground had been granted to Indians in Tehran during the era of the Shah, when the population of Hindus and Sikhs was around 8,000. After the 1979 Islamic Revolution, the orthodox

regime had allowed the cremation ground its autonomy only due to the traditional good ties with India. Local Indians felt that by inviting media to the funeral ground, the embassy would have ended up drawing unnecessary attention to the place. This could cause inconvenience to the regime in Tehran, already under pressure from headline Islamic countries in the region.

"In view of strong reservations expressed by many members of the Community, the event is hereby called off," said a second email, sent on September 27, from First Secretary Harish Kumar of the Indian embassy.

JAI JINENDRA



19.05.1943 - 23.09.2018

Our Beloved

SHRI GUNWANTBHAI NAGARDAS DAMANI

Left us for his heavenly abode on 23rd September 2018

He was the cornerstone of our family and lived his life with love & compassion for all.

His legacy lives on in our hearts forever.

PRAYER MEETING

CHENNAI

Saturday 29th September, 2018

Morning 9:00 to 10:00

C.U. Shah Bhavan, Ritherdon Road, Vepery

Tel: 044 - 26482263

Deeply Mourned by:

Mita Gunwant Damani Kalpana & Ramesh Damani

Maitreyi & Nitesh Damani Veronna & Mitul Damani

Neela & Jiger Mehta | Ami Damani | Nisha & Vishal Shah

Sitara, Simran, Sanam, Kashyan, Mira, Dia



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