



Hindi is not and cannot be national language, says Siddaramaiah

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CBI files charge sheet against Shahabuddin for murder of journalist

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Bail for Purohit will not affect trial in Mumbai special court, says NIA

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P.V. Sindhu enters the last 16 at World badminton championships

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NEARBY



Dhanapal should be made CM: Divakaran

THIRUCHI
V. Divakaran, brother of V.K. Sasikala, said on Tuesday that Chief Minister Edappadi K. Palaniswami had lost moral authority to hold the post after 19 MLAs withdrew their support to him. He suggested that Mr. Palaniswami be replaced with Speaker P. Dhanapal.

TAMIL NADU ► PAGE 6

Prove majority, PMK, VCK urge Chief Minister

CHENNAI
PMK youth wing leader Anbumani Ramadoss and Viduthala Chiruthaigal Katchi president Thol. Thirumavalavan said on Tuesday that Chief Minister Edappadi K. Palaniswami should prove his majority in the Assembly after 19 MLAs withdrew their support.

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Karti Chidambaram asked to move Delhi HC

CHENNAI
The Madras High Court on Tuesday asked Karti Chidambaram to approach the Delhi High Court for quashing an FIR filed against him by the CBI in the INX Media case.

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No, no, no: SC on instant triple talaq

3:2 split verdict termed practice 'manifestly arbitrary'; CJI Khehar held it was part of right to religion

KRISHNADAS RAJAGOPAL
NEW DELHI

A historic 3:2 majority judgment, delivered on Tuesday by a multi-faith Constitution Bench, set aside instant talaq as a “manifestly arbitrary” practice not protected by Article 25 (freedom of religion) of the Constitution.

On the five-judge Bench, Justices Kurian Joseph and Rohinton Fali Nariman gave separate judgments against the validity of instant talaq. Justice U.U. Lalit supported Justice Nariman's view that instant talaq given by a Muslim man “capriciously and whimsically,” without an attempt at reconciliation, was “manifestly arbitrary and violative of Article 14 (right to equality).”

The triumvirate of Justices Kurian, Nariman and Lalit overwhelmed the minority verdict pronounced by Chief Justice of India J.S. Khehar and endorsed by Justice S. Abdul Nazeer, the junior-most judge on the Bench.

1,400-year-old practice
Chief Justice Khehar held that *talaq-e-biddat*, as a personal law practice, was an integral part of Article 25 (freedom of religion). Ninety per cent of Muslims in India follow the practice. It was constitutionally protected as a fundamental right, he said.

The Chief Justice reasoned that *talaq-e-biddat* was in vogue for over 1,400 years, and this made instant talaq a “matter of religious faith,” which cannot be tested on

MAJORITY VIEW
No constitutional protection under Article 25 can be provided to *talaq-e-biddat*, which is against the tenets of Holy Quran. What is bad in theology is bad in law as well

JUSTICE KURIAN JOSEPH

Hanafi jurisprudence finds *talaq-e-biddat* (instant divorce) permissible, but the very jurisprudence castigates it as sinful. Hence, it is not constitutionally protected under Article 25... *Talaq-e-biddat* is manifestly arbitrary as it allows a Muslim man to capriciously and whimsically break marital tie without any attempt at reconciliation

JUSTICES ROHINTON F. NARIMAN AND UDAY UMESH LALIT

MINORITY VIEW
Merely because instant divorce is not expressly provided for or approved by the Quran, it cannot be a valid justification for setting aside the practice. It has been in vogue for roughly over 1,400 years



CJI J.S. KHEHAR AND JUSTICE J. S. ABDUL NAZEER

the touchstone of Article 14. He held that personal laws like instant talaq were an “exception” to the Constitution's avowed aim to protect gender equality.

But Justice Nariman countered that Section 2 of the Muslim Personal Law (Shariat) Application Act of 1937 had already recognised triple talaq as a statutory right and not a fundamental right. Instant talaq was no longer a personal law to remain free from the rigours of the fundamental rights as it comes under the ambit of Article 13 of the Constitution, he said. Article 13 mandates that any law, framed before or after the Constitution, should not be violative of the fundamental rights.

Objecting to the Chief Justice's line of reasoning, Justice Kurian, in his separate verdict, held that “merely because a practice (*talaq-e-biddat*) has continued for long (over 1,400 years), that by itself cannot make it valid.”

No Koranic injunction

The Chief Justice had reasoned that instant talaq cannot be invalidated just because the Koran does not expressly provide for or approve of it. *Talaq-e-biddat*, though bad in theology, was considered good in law, he held. To this, Justice Kurian countered that “Islam cannot be anti-Quran... An attempt for reconciliation and if it succeeds, then revoca-

tion are the Koranic essential steps before talaq attains finality. In triple talaq, this door is closed. Triple talaq is against the basic tenets of the Holy Quran and consequently, it violates Shariat.”

Justice Kurian also referred to Section 2 of the Shariat Act, observing that the statute had put an end to the “unholy, oppressive and discriminatory customs and usages in the Muslim community. After Shariat Act, no practice against the tenet of Islam is permissible.”

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TALAQ, DIVIDED ON LEGAL
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Modi terms it a historic judgment

SPECIAL CORRESPONDENT
NEW DELHI

In a rare show of convergence, the Bharatiya Janata Party, the Congress and the Left parties welcomed the Supreme Court judgment on instant talaq and termed it a step towards gender justice and empowerment of Muslim women.

Prime Minister Narendra Modi described the judgment as “historic,” and one that would empower women. “Judgment of the Hon'ble SC on Triple Talaq is historic. It grants equality to Muslim women and is a powerful measure for women empowerment,” he said.

‘An aberration’

Welcoming the verdict, Congress vice-president Rahul Gandhi said, “I congratulate the women who fought for it.” At the regular briefing of the Congress, the party's communication chief Randeep Surjewala called triple talaq an “aberration and adulteration” of the provision of talaq as mentioned in the Holy Koran.

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UNDOING INJUSTICE ► EDITORIAL

EPS govt. falls short of majority

19 Dhinakaran loyalists meet Governor



Banner of revolt: Andipatti MLA Thangatamilselvan, centre, near T.T.V. Dhinakaran's house in Chennai. * M. KARUNAKARAN

DENNIS S. JESUDASAN
CHENNAI

A day after the merger of the two AIADMK factions, the Edappadi K. Palaniswami government faced a crisis on Tuesday, falling short of a simple majority by two MLAs in the 233-member House.

The crisis was precipitated after 19 legislators, owing allegiance to former deputy general secretary T.T.V. Dhinakaran, met Governor Ch. Vidyasagar Rao and withdrew support to the Chief Minister. The MLAs reportedly told Mr. Rao that Mr. Palaniswami had “forfeited” their confidence and that of the public, and urged him to “intervene and institute the constitutional process.”

Stalin for floor test

Shortly after the development, Leader of the Opposi-

tion and DMK working president M.K. Stalin wrote to the Governor demanding an early floor test to prove the government's majority and prevent horse trading. Other Opposition leaders also endorsed the demand.

Later in the evening, 18 of the rebel MLAs were taken to the Windflower Resort and Spa in neighbouring Pudukkottai, reviving memories of the manner in which 123 MLAs were herded to the Golden Bay Resorts in Koovalur, following the rebellion by then Chief Minister O. Panneerselvam in February.

Mr. Palaniswami, Deputy CM Panneerselvam and other senior Ministers, meanwhile, held meetings at the Secretariat on the threat to the government.

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FUSION AND FISSION ► EDITORIAL

Trump offers India a role in Afghanistan

Commits troops for open-ended war

VARGHESE K. GEORGE
WASHINGTON

The new U.S. strategy for South Asia, unveiled by President Donald Trump on Monday night after months of deliberations, has many old elements, but in a departure from the past, it commits troops in Afghanistan for an open-ended period of time.

The policy also sets the stage for a new wave of U.S. offensive against Islamist forces in Afghanistan and Pakistan. The Pentagon and NATO allies are redrawing their operational plans in America's longest war that began in 2001, and an increase in troop levels is expected soon.

Describing India as “a key security and economic partner of the United States,” the President said America would further “develop its strategic partnership with



Donald Trump addressing the nation on Monday. * AFP

India – the world's largest democracy.” He also urged India to play a larger role in providing economic and development assistance to the war-torn Afghanistan.

In another component of his South Asia policy that pleases India, he said America would no longer tolerate Pakistan's policy of harbouring terrorists.

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SC to T.N.: Follow NEET for medical admission

Merit list today, counselling tomorrow

LEGAL CORRESPONDENT
NEW DELHI

The Supreme Court on Tuesday directed the Tamil Nadu government to complete the counselling process for medical admissions on the basis of the NEET merit list by September 4.

A Bench led by Justice Dipak Misra, in a short hearing, was informed by Additional Solicitor General Tushar Mehra that though the Union Law Ministry had cleared Tamil Nadu's ordinance freezing the implementation of NEET in the State this year, the Centre had finally rejected the ordinance as it would give one particular State undue advantage over others.

In response, senior advocate Nalini Chidambaram, appearing for students who had moved the SC against the ordinance, urged the court to order Tamil Nadu

to release the merit list forthwith.

The State, represented by senior advocate Shekhar Naphade, protested.

Plea turned down

However, the court turned down the State's protests and ordered that the rank list be released forthwith, even as it extended the time for counselling till September 4.

Following the verdict, the Directorate of Medical Education has decided to release the merit list on Wednesday; the counselling process will begin on Thursday.

The process will begin with counselling for the special category candidates, including persons with disabilities and wards of freedom fighters.

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N. Bhupathi, a frog with the face of a pig

Close cousin of Seychelles' Purple frog, it strengthens the theory of continental drift

AATHIRA PERINCHERY
KOCHI

Frogs are not exactly the cultural exemplars of good looks, as the famous fairy tale, *The Frog Prince*, reminds us. But the newly discovered *Nasikabatrachus bhupathi* could set the bar a couple of notches lower – or higher – depending on your aesthetic sensibility.

According to a paper published last month in *Alytes*, a scientific journal devoted to the study of frogs and amphibians, Indian scientists have discovered a new species of frog that has a snout-shaped nose, just like a pig's, evoking comparisons with the Purple frog that took the world by storm when it was discovered in 2003.

The soiled-dwelling species, discovered by scientists from the Centre



New find: Each call of *Nasikabatrachus bhupathi* consists of four distinct pulses. * JANANI S. J

for Cellular and Molecular Biology (CCMB) in Hyderabad, has been named after the Indian herpetologist S. Bhupathi, who died in a freak accident in 2014. Bhupathi's purple frog inhabits the eastern slopes of the Western Ghats, near the Srivilliputhur

Grizzled Giant Squirrel Wildlife Sanctuary in Tamil Nadu.

The discovery is significant as it constitutes additional evidence in favour of the theory of continental drift. The Purple frog is an inhabitant of Seychelles, and the

discovery of Bhupathi's purple frog in India suggests that the Indian subcontinent was part of the ancient landmass of Gondwana before splitting from Seychelles 65 million years ago.

Bhupathi differs from the Purple frog (*Nasikabatrachus sahyadrensis*) morphologically and acoustically: it is dark brown, and each of its calls consists of four distinct pulses (while the Purple frog pauses once between its three-pulse-call).

“We confirmed it was a different species when we bar-coded its DNA and found that genetically it was very different from the Purple frog,” says Ramesh K Aggarwal, chief scientist at the CCMB and one of the five co-authors of the study published in *Alytes*.

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