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Texts don't mention exact birthplace of Ram, SC told

TITLE SUIT Muslim party opposes the deity was born under central dome of disputed site

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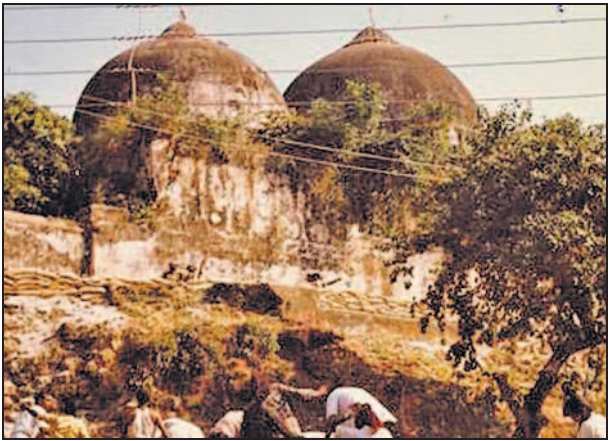
NEW DELHI: The Sunni Waqf Board, one of the parties in the Ram Janmabhoomi-Babri Masjid title suit, said on Tuesday it had accepted the Hindu belief that Hindu god Ram was born in the “chabutara” (platform) in the outer courtyard of the 2.77-acre disputed site in Ayodhya.

But the board told the Supreme Court that it continued to oppose the claim of Hindu parties that Ram was born under the central dome of the now-demolished mosque.

Senior advocate Zafaryab Jilani, appearing for the board, told a five-judge bench, led by Chief Justice of India Ranjan Gogoi, said that two Hindu texts, the Ramcharitmanas and the Valmiki Ramayana, did not point to any precise birthplace of Ram.

But justice DY Chandrachud, a member of the bench, found the argument problematic

“Only because Valmiki Ramayana and ‘Ramcharitmanas do not mention the precise site in Ayodhya where Ram was born,



■ The Babri Masjid was demolished in December 1992.

HT FILE

can't Hindus believe that Ram was born at a particular place in Ayodhya,” said the bench.

During Tuesday's hearing, justice SA Bobde, one of the members of the bench, asked Jilani if the board had ever disputed the chabutara as Ram's birth-place.

Jilani said the board had disputed the chabutara claim earlier but changed its stand later.

“The district judge, Faizabad,

held that Hindus worshipped the chabutara as the place of birth and the board decided to accept the same,” he told the bench.

Fourteen appeals have been filed in the apex court against the 2010 Allahabad high court judgment that the 2.77-acre disputed land in Ayodhya be partitioned equally among the three parties — the Sunni Waqf Board, the Nirmohi Akhara and representatives of Ram Lalla Virajman,

which represents the infant deity Ram.

The bench also wondered why the Ain-I-Akbari, a 16th century document recording the administration under Mughal emperor Akbar, did not mention the mosque.

Jilani said it “was not important” enough to find a place in the book. Jilani had earlier quoted from the book to establish the board's claim that no temple was demolished in Ayodhya to construct the mosque.

Jilani quoted the late historian, Jadunath Sarkar, to say that Ain-I-Akbari had included the minutest details and would have recorded the demolition too if it had happened.

Jilani will continue with his arguments on Wednesday. The bench has decided to sit until 5pm until Thursday, an hour after its scheduled time, to hear the case.

On December 6, 1992, the 16th century Babri Masjid was demolished by activists campaigning for the construction of a Ram temple on the site that Hindus believe marks the birthplace of the warrior-god Ram.



■ Sharad Pawar, Ajit Pawar

ED files PMLA case against NCP chief and nephew Ajit

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MUMBAI: The Enforcement Directorate (ED) has registered a money laundering case against Nationalist Congress Party (NCP) chief Sharad Pawar, his nephew and former Maharashtra deputy chief minister Ajit Pawar, NCP leader Jayant Pati and others in connection with a ₹25,000-crore co-operative bank fraud, officials said.

The agency has registered an Enforcement Case Information Report (ECIR), equivalent to a first information report (FIR) filed by police, under the Prevention of Money Laundering Act, according to the officials.

The case pertains to loans provided by Maharashtra State Co-operative (MSC) Bank to co-operative sugar factories (CSFs), spinning mills and other processing units. It is alleged that top executives and office-bearers were given loans in a fraudulent manner. Most of the 48 directors of the MSC bank at the time when the alleged fraud was committed between 2001 and 2011, were elected representatives from various parties.

Meanwhile, Sharad Pawar said no case has been filed against him and that he has never been director of any of the banks. “I was never director of any co-op bank. I was never part of any process or decision to give loans. If ED or Maharashtra government has decided to file a case against me, I thank them. I am not even a member and was never part of any process,” he said.

Reacting to the development, state NCP president Jayant Pati said, “Pawar has never had a position at the MSC bank; neither has he written any letter for sanctioning loans to anyone. Despite that, he has been booked by the ED. This is absolutely condemnable.”

Appeal filed against closure of Ambedkar Museum in UK

LONDON: Lawyers on behalf of the Maharashtra government on Tuesday launched an appeal against local authorities who called for closing a museum based in a house in north-west London where BR Ambedkar lived in the 1920s as a student at the London School of Economics.

The council wants the house to be used for its original purpose and not a museum. Indian authorities had converted the four-storey house – 10 King Henry's Road in Camden – into a museum for Ambedkar that includes his statue, photo exhibition and library of his books after purchasing it for 3.1 million pounds in 2015.

The museum, inaugurated by PM Narendra Modi in November 2015, has since attracted visitors from India and the UK to pay respects to one of the icons of India's freedom struggle and maker of modern India.

The appeal is due to be heard over several days and a decision is likely to be made in the next two weeks, council officials said. Its decision will be conveyed to the Ministry of Housing, Communities and Local Government.

PRASUN SONWALKAR

Immovable assets can't be attached during probe: SC

A BENCH LED BY CJI HELD CONFERRING SUCH POWERS TO POLICE OFFICERS WOULD HAVE 'SERIOUS CONSEQUENCES'

The apex court upheld the Bombay high court ruling that immovable property cannot be seized by the police during the course of investigation.

According to Section 102 of the CrPC: “Any police officer may seize any property which may be alleged or suspected to have been stolen, or which may be found under circumstances which create suspicion of the commission of any offence...”

The HC had interpreted the term immovable property under this section as houses, office or lands.

The SC said that although the section postulates seizure of property, it does not include

immovable property.

“Language of Section 102 of the Code does not support the interpretation that the police officer has the power to dispossess a person in occupation and take possession of an immovable property in order to seize it. In the absence of the Legislature conferring this express or implied power under Section 102 of the Code to the police officer, we would hesitate and not hold that this power should be inferred and is implicit in the power to effect seizure,” held the court.

The law, however, does not bar or prohibit the police officer from seizing documents/papers of title relating to immovable property, as it is distinct and different from seizure of immovable property. “Disputes and matters relating to the physical and legal possession and title of the property must be adjudicated upon by a Civil Court,” held the court.

court diaries

HC DIRECTS P CHIDAMBARAM TO SUBMIT AFFIDAVIT ON SOURCE OF DOCUMENTS

NEW DELHI: The Delhi High Court on Tuesday directed former finance minister P Chidambaram, arrested in the INX Media corruption case, to file an affidavit disclosing the source of certain government documents, relating to Foreign Investment Promotion Board (FIPB) approval granted to the company, which were being referred to by his lawyers during the hearing of his bail plea.

The court, which heard the bail petition for nearly two hours, asked the counsel for the Congress leader to give an advance copy of the affidavit to the CBI and listed the matter for further hearing on Wednesday. Chidambaram's bail plea has been opposed by the CBI, which in its written response, said it is a ‘gravest case of economic offences’ and the magnitude of financial embezzlement and misuse of high public office disintitles him for any relief.

During the hearing, Sibal said it was a collective decision of six secretaries of the government and other officers to grant FIPB approval to INX Media and Chidambaram being the then finance minister had only signed it. “Everybody has done the right thing, but the (then) finance minister is in jail and others are out. There is not an iota of evidence against him.”



VADRA OPPOSES ED CHALLENGE TO PRE-ARREST BAIL

NEW DELHI: Businessman Robert Vadra has opposed the plea seeking cancellation of his anticipatory bail, stating that he has been cooperative and there is no risk of him tampering with the evidence in connection to a money laundering case. The agency is probing Vadra in connection for money laundering in the purchase of a property worth 1.9 million pounds in London. ED had moved the Delhi HC challenging an April 1 order of the trial court granting anticipatory bail to Vadra. In their plea, the agency had contended that they required his custody as he was not cooperating in the investigation and the trial court had not discussed the gravity of the offence in its order. Vadra said that there is no scope of tampering with the evidence as all documents pertaining to the case have already been seized by the ED.

Strike affects work in Coal India mines

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KOLKATA: Production in coal mines run by state-owned Coal India Ltd (CIL) and its subsidiaries were hit on Tuesday as workers went on a one-day strike to protest against the government's move to allow foreign direct investment (FDI) in coal mines, said an official at the company, the world's largest coal producer.

“Attendance was down to an average of 30% in all the eight subsidiaries of CIL across the country. The figure included the executives, who were not a part of the strike,” said a CIL senior official, requesting anonymity.

“The production figures will be available only late in the evening.”

CIL operates in two shifts – 6 am to 2 pm and 2 pm to 10 pm. Attendance was higher at coal mines in Bengal. In the mines of Eastern Coalfields (ECL), a subsidiary of CIL, about 64% of workers reported for duty on Tuesday, said an official of ECL, which operates mines in Bengal and Jharkhand.

“These are non-executive cadre workers who go down into the mines to extract coal,” said the ECL official. ECL operates a total of 89 mines in Bengal and neighbouring Jharkhand. The official said four unions affiliated to the Indian National Trade

Union Congress (INTUC), Centre of Indian Trade Unions (CITU), Hind Mazdoor Sabha (HMS) and All India Trade Union Congress (AITUC) are active in ECL.

Five central trade unions called the one-day strike to protest against the Centre's decision to allow FDI in coal mining.

Explaining their opposition, CITU's general secretary Tapan Sen said in a statement, “The BJP [Bharatiya Janata Party] government has allowed 100% FDI in coal mining through the automatic route. The foreign companies can not only extract coal from our coal mines but also sell them at market prices including exporting it. The government allowed these profits to be siphoned off to their countries.”

The trade unions have planned an open mass convention on September 30 near Parliament to announce a campaign against the Centre's move, Sen added.

Just a day ago, Bengal chief minister Mamata Banerjee said her TMC would stage protests against the Centre's decision to disinvest public sector units. These would be held in Kolkata, Delhi, Mumbai and Chennai over the next few days.

“On October 18, we would launch a protest march in the metro cities. Trinamool leaders would also hold a 48-hour dharna in the national capital,” Banerjee had said.

After extension, MHA ends services of joint secretary

NEW DELHI: The Union home ministry curtailed services of a senior joint secretary, whose tenure was extended last week, an official communication said.

The officer had superannuated earlier but was retained as an “advisor” to the government. An order issued on Monday said the previous order “regarding extension of engagement of Dr RK Mitra as Advisor in the ministry of home affairs stands withdrawn.”

The Union home ministry spokesperson refused to comment on the sudden change of decision. Mitra, when contacted, too refused to comment.

Mitra was currently handling the crucial section that deals with paramilitary forces.

Among the issues, agitating thousands of the personnel of the paramilitary forces, is recognising them as the organised group A service which automatically grants them Non-Functional Financial Upgrade (NFFU). Under NFFU, if one officer of a particular batch moves on the next rank while rest are waiting for vacancies, all others automatically get financial upgrade as the one who has been promoted.

Earlier, 57 senior serving tax officials were compulsorily retired by the government after a mid-career review. **HTC**

ACCIDENT AVERTED

■ Rail traffic on the New Delhi-Howrah Rajdhani Express and Magadh Express route was affected for more than 80 minutes on Tuesday, when the motorman of one of the trains spotted a 14-inch fracture in the tracks and applied emergency brakes. The trains affected included Rajdhani Express, said a railway official who did not wish to be named.

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CLIMATE CHANGE PLAINT AGAINST 5 NATIONS

Indian girl among petitioners

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NEW DELHI: Haridwar's Ridhima Pandey, 11, is among the 16 children who have filed a complaint against five countries for not acting on climate change at the United Nations Climate Action Summit in New York on Monday.

The devastation caused by the 2013 Uttarakhand flash floods left a lasting impression on her, and motivated her to talk about climate change, said Ridhima over the phone from New York.

Swedish teen climate activist, Greta Thunberg, who delivered a powerful speech at the opening session of the summit on Monday, asking world leaders how they dared to ruin the future of children, is also a member of the group.

“The petitioners are not seeking money; they want action. To bring this about, the petition names five countries whose



■ Ridhima Pandey

efforts to date have been too slow and too weak to prevent a climate catastrophe,” says their website, childenvsclimatecrisis.org.

“I was very small when the Uttarakhand floods happened but I saw those images on TV. My father and his colleagues were also in some remote regions to rescue animals after the floods. I don't think the poor people in the hills contributed to global warming,” said Ridhima.

Over 5,000 people lost their lives and 4,500 villages were

affected when floods and landslides triggered by heavy rain hit the hilly state in 2013.

“My father explains the science of global warming to me. I also try to read. It's about our future. So we have to do whatever it takes,” she said.

The five countries being sued by the 16 children – Argentina, Brazil, France, Germany, and Turkey – have all ratified the UN Convention on the Rights of the Child, an international treaty under which countries have specific obligations to provide for the health and well-being of children. “These obligations aren't being met as the climate crisis intensifies,” says the website.

Ridhima, a class 8 student of DAV Public School, Haridwar, had moved the National Green Tribunal a year ago demanding that for every development project, a climate impact assessment be conducted. The NGT had dismissed the petition.

GODAVARI BOAT ACCIDENT

13 people still missing 10 days after capsize

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HYDERABAD: It has been ten days since a boat capsized in Godavari at Katchuluru of Devipatnam block in Andhra Pradesh's Godavari district but the authorities have still not been able to retrieve it. One more body was recovered on Tuesday, taking the toll to 38. Thirteen bodies were yet to be found.

Rampachodavaram integrated tribal development authority (ITDA) project officer Nishant Kumar, who has been supervising the rescue operations, said the boat was located 100 metres deep in the river. “Navy divers and experts from Uttarakhand could go down only

50 metres,” he said.

Meanwhile, the exact number of passengers aboard Royal Vasishta at the time of the accident was still not clear. Initially, the official bulletins said there were 60 passengers on the boat, of which 26 were rescued.

Later, the official figure was raised to 73. On Saturday, ITDA authorities said there were 77 passengers on the boat of which bodies of 37 had been recovered.

Former Congress MP from Amalapuram GV Harsha Kumar claimed there were 93 passengers on the boat. He said authorities were not retrieving the boat as it would reveal the actual toll. Refuting his allegations, tourism minister M Srinivas Rao threatened to file a case against Kumar.

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NEW DELHI: The Directorate General of Goods and Services Tax Intelligence (DGGI), Ahmedabad has unearthed input tax credit (ITC) fraud of over ₹400 crore by some units at the Kandla Special Economic Zone (SEZ) wherein companies inflated the value of goods by as much as 4,000% to falsely claim ITC.

“The modus operandi detected indicates huge overvaluation to the extent of 3000-4000% of the market value of goods exported to the SEZ and claiming input tax credit refund fraudulently,” additional director general Vivek Prasad said.

Input tax is paid by a business on the purchase of goods and services that go into its own products or services, and claimed as a credit to lower its tax liability when it makes a sale.

DGGI, Ahmedabad Zone conducted searches in three units located at the SEZ and the premises

of some exporters in the National Capital Region centred on Delhi after receiving “specific intelligence” that some units located in the Kandla SEZ in Gandhidham, in connivance with 25 NCR-based exporters, had “conspired” to defraud the exchequer, he said. In what seems to be a meticulously planned conspiracy, the products selected by the entities for carrying out the fraud were found to be so-called sin goods such as manufactured tobacco and related products, which are subject to tax at the rate of 93% and 188%, including cess, Prasad said.

“Due to high incidence of taxes on such goods the scope to claim refunds of ITC against refunds is manifold more than the goods which are subject to tax at lower rate of 28% or 18%,” he said.

According to Prasad, the racketeers had sought to derive the maximum illegal gain out of fraudulent transactions. “It is noteworthy to mention that tobacco products are mostly busi-

ness-to-consumer (B2C) supply items and it is relatively easier to obtain from the market GST paid invoices without corresponding goods, as the goods often get sold in the market without corresponding bills,” he said.

DGGI also found that low-grade products such as “scented jarda, kimam (tobacco extract) and filter khaini” were being manufactured “clandestinely” without payment of tax by some Noida-based units or procured from the local market at the rate of ₹150-350 per kg and being

exported to the SEZ-based units at the rate of ₹5,000-9,000 per kg. Subsequently, refund of accumulated ITC, sourced fraudulently, in excess of ₹500 crore has been claimed by the exporters from the jurisdictional GST authorities, he said. “Due to the proactive steps taken by the DGGI, refund claims of ITC in excess of ₹300 crores in the process of getting disbursed by the jurisdictional authorities, have been withheld from going into the hands of scammers,” Prasad said.

“In addition, the surplus ITC of more than ₹100 crore still lying in the credit ledger of such exporters has also been prevented from getting siphoned off by way of likely refunds claims,” he added.

The agency has been able to identify more than 25 such suppliers located in states like Assam, Bihar, Delhi, Haryana, Madhya Pradesh and Uttar Pradesh who have issued fake invoices of more than Rs 1,000 crore to the NCR based exporters without supply of goods to facilitate refunds.

Deora clarifies as his 'Howdy, Modi' tweet triggers a stir