

NEARBY



Air quality continues to be in 'severe' category
 NEW DELHI
 Air quality in the city continued to be in the 'severe' category for the second consecutive day on Thursday, precipitated by dense clouds and stalled winds.

CITY PAGE 4

Vivekananda statue defaced in JNU

NEW DELHI
 The walls inside the JNU administration block building leading up to the V-C's office, the door of the office and the pedestal of a yet to be unveiled statue of Swami Vivekananda were defaced allegedly by protesters during the ongoing agitation against fee hike.

CITY PAGE 2

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FRIDAY REVIEW PAGE 8
 (TABLOID)

SC dismisses pleas to review Rafale ruling, raps Rahul

Necessity for the 36 aircraft has never been in dispute, says three-judge Bench

KRISHNADAS RAJAGOPAL
 NEW DELHI

A three-judge Bench of the Supreme Court, led by Chief Justice of India (CJI) Ranjan Gogoi, on Thursday dismissed petitions seeking a review of its December 14, 2018 judgment upholding the purchase of 36 Rafale fighter aircraft.

"The endeavour of the petitioners was to construe themselves as an appellate authority to determine each aspect of the Rafale purchase... We cannot lose sight of the fact that we are dealing with a contract for aircraft pending before different governments for quite some time. The necessity for those aircraft has never been in dispute... This court did not consider it appropriate to embark on a roving and fishing enquiry," Justice Sanjay Kishan Kaul said, delivering the main judgment he co-authored with the CJI on Thursday.

The Bench also closed a criminal contempt petition filed by BJP leader Mee-nakshi Lekhi against Congress MP Rahul Gandhi for

Free to fly

The SC rejected pleas for a review of its judgment that gave a clean chit to the govt. on the purchase of 36 Rafale fighters. Key points of the judgment:



Rafale jets are a necessity. The contract had remained pending through

different governments

There is no ground to order an FIR by the CBI or a roving inquiry

It refused to reexamine aspects of pricing, the decision making process and the selection of offset partner saying the review applications cannot be entertained unless there is an "error apparent on the face of the record"

It said comparing the prices of bare aircraft and fully-loaded aircraft to weigh losses was like comparing apples and oranges

Justice Joseph has opened a huge door into investigation of RAFALE scam. An investigation must now begin in full earnest. A JPC must also be set up

RAHUL GANDHI, CONGRESS LEADER

After today's rebuke from the SC, Congress and its leader, for whom politics is above national interest, must apologise to the nation

AMIT SHAH, UNION HOME MINISTER

wrongly attributing the phrase *chowkidar chor hai* (the watchman is a thief) to the court.

It said Mr. Gandhi's statement was "unfortunate" and that a political leader of his stature should be "more careful in the future". It wondered whether Mr. Gandhi had even perused its order before making the statement. Mr. Gandhi has already apologised to the court.

Justice Kaul said the issues of registering an FIR and a consequent probe by the Central Bureau of Investigation were decided on merits by the court in the judgment in December last. There was no need to reopen them.

petitioners' case

The review petitioners included former Union Ministers Yashwant Sinha and Arun Shourie and lawyer

Prashant Bhushan. The petitioners had alleged that the government concealed crucial facts and misled the Supreme Court into giving a favourable verdict.

They had sought the registration of an FIR and an investigation by the CBI into their complaint against the Rafale purchase.

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Sabarimala case: larger Bench to decide role of courts in religion

Chandrachud and Nariman deliver a dissenting judgment

LEGAL CORRESPONDENT
 NEW DELHI

A majority judgment delivered by a five-judge Bench led by Chief Justice of India (CJI) Ranjan Gogoi on Thursday kept a final decision on the Sabarimala review and writ petitions in abeyance till a larger Bench of seven judges delivers an "authoritative pronouncement" on the exact role of a non-epistolary court can play in deciding whether a particular practice is essential or integral to a religion.

The review Bench, however, did not pass any interim order for stay of its September 28, 2018 judgment, which upheld the right of women aged between 10 and 50 to enter and worship at the temple in Kerala.

Chief Justice Gogoi, delivering the majority opinion along with Justices A.M. Khanwilkar and Indu Malhotra, framed a series of questions for the larger Bench.

These include whether a court can probe if a practice is essential to a religion or should the question be left to the respective religious head; should "essential reli-

Another issue pending is ... on whether a particular practice is essential or integral to religion... It is time this court evolves a policy to do complete justice and for an authoritative enunciation of the constitutional principles by a larger bench of not less than seven judges

CHIEF JUSTICE RANJAN GOGOI, IN MAJORITY OPINION

What this court has before it is review petitions arising out of the judgment with regard to Sabarimala... If and when issues set out in the Chief Justice's judgment arise, they can appropriately be dealt with by the Bench/Benches which hear the petitions concerning Muslims, Parsis and Dawoodi Bohras

JUSTICE ROHINTON F. NARIMAN, IN DISSENT

gious practices" be afforded constitutional protection under Article 26 (freedom to manage religious affairs); and what is the "permissible extent" of judicial recognition a court should give to PILs filed by people who do not belong to the religion of which practices are under the scanner.

Justices Rohinton F. Nariman and D.Y. Chandrachud, however, joined to deliver a stinging dissent. Both dismissed the majority decision of a reference to a larger

Bench. Both Justice Nariman and Justice Chandrachud were part of the Constitution Bench that delivered the original majority judgment in September 2018.

Justice Nariman, who wrote the dissent, said the judgment of a five-judge Constitution Bench was the last word on the interpretation of the Constitution.

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 EDITORIAL PAGE 10

Man faces life term for bomb hoax call

He tried to stop wife from flying abroad

SPECIAL CORRESPONDENT
 NEW DELHI

The NIA has registered a case under the stringent Anti-Hijacking Act against a 28-year-old man who allegedly made a hoax call to the Delhi airport in August to stop his wife from leaving the country for work, claiming she was a suicide bomber.

This is the second such case to be investigated by the NIA under the Anti-Hijacking Act, 2016, that prescribes life imprisonment for making false calls of bomb threats.

The accused, Nasrudeen, hailing from Bihar's Sitamarhi and a resident of Chennai, was arrested from the Bawana Industrial area in Delhi for making the hoax call to the international airport.

On August 8, at 9 p.m., a call was received at the Delhi International Airport Limited's call centre in Gurugram

that a woman named Zabina had reached the airport and could cause a blast on a Dubai or Saudi Arabia-bound flight. On investigation, it was found out to be a hoax and Nasrudeen was arrested the next day.

In June, a special NIA court in Ahmedabad sentenced a businessman to life term and imposed a fine of ₹5 crore for placing a hoax hijack note on a Jet Airways plane in October 2017.

This was the first case investigated by the NIA under the Act after it came into force in 2017. The Act had replaced the 1982 Act.

The businessman, Birju Kishore Salla, said he committed the crime to force Jet to shut its Delhi operation, which would eventually lead his girlfriend, who worked in the airline's Delhi office, to come to Mumbai.

Fear factor



No pictures: Youth trying to avoid the camera while waiting to submit documents at a recruitment rally of the Border Security Force on the outskirts of Srinagar on Thursday. As many as 2,200 aspirants have applied for 1,300 posts. *NISSAR AHMAD

ED arrests former Ranbaxy promoter

One more held in fund diversion case

SPECIAL CORRESPONDENT
 NEW DELHI

The Enforcement Directorate (ED) on Thursday arrested former Ranbaxy promoter Malvinder Singh and the then chairman-cum-managing director of Religare Enterprises Limited (REL), Sunil Godhwani, in a money laundering case.

The two accused were in judicial custody after they were arrested last month along with three others by the Economic Offences Wing (EOW) of the Delhi police for alleged diversion of Religare Finvest Limited (RFL) funds and losses to the tune of ₹2,397 crore. RFL is a subsidiary of REL.

The ED's application for the custodial interrogation of Mr. Singh and Mr. Godhwani will be taken up by the court on Friday. The agency may also seek permission

for recording the statements of the other accused under the Prevention of Money Laundering Act. The agency may also seek permission for recording the statements of the other accused under the Prevention of Money Laundering Act.

The EOW registered the FIR in March on a complaint lodged by Manpreet Singh Suri of the RFL, alleging cheating and misappropriation. Among those arrested were Kavi Arora, Anil Saxena and Mr. Singh's younger brother Shivinder Singh. They were accused of putting RFL in a poor financial condition by disbursing loans to firms controlled by them and had no financial standing. The companies allegedly wilfully defaulted on repayments.

India's requests for Facebook user data rising sharply

The social media company got 22,684 official queries for information, second only to the U.S., in 2019

YUTHIKA BHARGAVA
 NEW DELHI

The Indian government's requests for user data from Facebook increased nearly 37% in the first half of 2019, and at 22,684 queries, was the second highest globally, according to the Transparency Report of the US-based social networking site.

In comparison, Facebook received 16,580 requests in the January-June 2018 period and 20,805 requests during July-December that year. Of the 22,684 data requests, Facebook said it had produced some data in 54% of cases. "Facebook responds to government requests for data in accordance with applicable

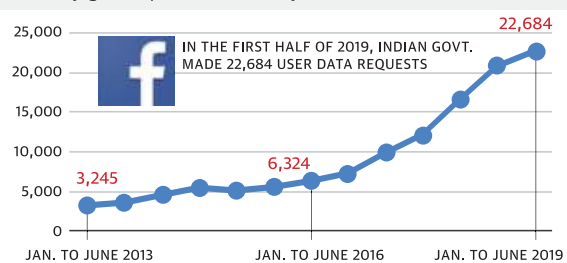
law and our terms of service. Each and every request we receive is carefully reviewed for legal sufficiency and we may reject or require greater specificity on requests that appear overly broad or vague," the company said.

Majority complied with Globally,

it received 1,28,617 such requests from governments. Of these, Facebook produced some data for 73.6% of cases. The US government submitted the maximum number of 50,714 requests for details of 82,461 Facebook users/accounts during the first half of the current year. The US was followed by India, whose 22,684 requests were

Seeking information

The government's user data requests from Facebook have steadily gone up in the last six years



for 33,324 users/accounts, the UK (7,721 requests for 10,550 user/accounts), Germany (7,302 requests on 9,800 users/accounts) and France (5,782 requests for 6,961 users/accounts). The report showed that during January-June 2019, Facebook had nearly 70 internet disruptions that affected its products in

about 17 countries. India topped the list with 40 disruptions.

However, as far as total duration of disruptions was concerned, India came in at number two with eight weeks, 2 days and 22 hours.

During the period reviewed, the social media giant also restricted access to 1,233 items of content, including 1,211 posts, two profiles, 19 pages and groups and one comment. "We permanently restricted access to content in India in response to legal requests from law enforcement agencies, court orders, and the Ministry of Electronics and Information Technology," the company said.

AAP's donations nearly doubled in 2018-19, says poll panel report

SP's total income reduced slightly during the same period

DAMINI NATH
 NEW DELHI

In the run-up to the 2019 Lok Sabha election, the income of the Aam Aadmi Party from donations nearly doubled, according to the party's annual audited accounts for 2018-2019 submitted to the Election Commission of India.

The report, made public by the ECI on Wednesday, said AAP's "donations and contributions" went up from ₹10.61 crore in 2017-2018 to ₹19.17 crore in 2018-2019. The party's expenditure on elections also shot up from ₹33.21 lakh in the previous financial year to ₹4.30 crore in 2018-2019.



AAP's "cash and cash equivalents" stood at ₹7.95 crore, which was over twice the amount on March 31, 2018, - ₹3.87 crore. In total, at the end of the financial year, AAP's total funds, including fixed assets and loans, stood

at ₹10.11 crore, an increase from ₹6.06 crore at the end of 2017-2018.

The ECI also published the Samajwadi Party's annual accounts report, which showed a decrease in the party's income from ₹47.19 crore in 2017-2018 to ₹33.80 crore in 2018-2019. While donations and "other income" increased, income from fees and subscriptions reduced from ₹19.57 crore in 2017-2018 to ₹51.49 lakh in 2018-2019. The SP's income from donations, contributions and grants more than doubled from ₹73.99 lakh to ₹1.83 crore in 2018-2019. The party ended 2018-2019 with ₹572.21 crore in total funds.