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NEARBY
Shaheen Bagh is a conspiracy, says PM
NEW DELHI
In a veiled reference to the protests against the Citizenship (Amendment) Act in Shaheen Bagh and elsewhere in the Capital, Prime Minister Narendra Modi on Monday called them "experiments" based on a "design to dent the nationalistic heritage" of the country. Speaking at a BJP rally in east Delhi, he accused AAP and Congress of engaging in a "political game" through such protests.

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Man held for supplying gun to juvenile in JMI case
NEW DELHI
The Delhi Police's Crime Branch has arrested a wrestler, Ajeet, from Uttar Pradesh's Aligarh district for supplying a weapon to the juvenile who had opened fire on anti-CAA protesters outside Jamia Millia Islamia on January 30, an officer said on Monday.

CITY PAGE 5

SC to frame issues for 9-judge Bench hearing religious rights

CJI acknowledges objection to wider review post-Sabarimala is a 'formidable point'

KRISHNADAS RAJAGOPAL
NEW DELHI
Renowned jurist and senior advocate Fali Nariman has objected to the manner in which the Supreme Court turned a review of the Sabarimala case into an opportunity to set up a nine-judge Bench and examine whether certain essential religious practices of various faiths, including Islam and Zoroastrianism, should be constitutionally protected.

"Are you saying that when hearing the review of one judgment [Sabarimala in this case], we cannot refer such larger questions to a larger Bench?" Chief Justice of India (CJI) Sharad A. Bobde, heading the Bench, asked Mr. Nariman on Monday.

"Yes, that is absolutely right. It will be outside your jurisdiction to do that," Mr. Nariman replied emphatically. The CJI observed orally that Mr. Nariman had a "formidable point there". He, however, said the Bench would not "abort the hearing" now. The objections raised by Mr. Nariman would be framed as an "issue" to be decided by the Bench. It would convene on Thursday to fix the dates of the hearings that would start next



There are at least six judgments of SC that say while deciding a review, SC cannot refer issues to a larger Bench
FALI NARIMAN, Senior advocate



Reference to a larger Bench in a review judgment is not permissible. If reference had to be made, it should have been done in the Sabarimala case before the final judgment on September 28, 2018
SHYAM DIVAN, Senior advocate

You have raised possibly formidable points... We (nine-judge Bench) will hear the objections raised on whether the Supreme Court could have referred to a larger Bench new issues on essential religious practices while deciding the Sabarimala review
S.A. BOBDE, Chief Justice of India

Sabarimala is a decided case
RAJEEV DHAVAN, Senior advocate

week. The CJI clarified that the nine judges would confer and frame the issues for hearing.

PIL petitions
Senior advocate K. Parasara countered Mr. Nariman, saying that the Sabarimala case had its genesis in public interest litigation petitions. It was not an *in personam* (affecting a specific person) litigation.

In a case emanating from a PIL petition, there is no restraint on a constitutional court in extending the scope or questions to be examined, he argued.

The Sabarimala case review by a five-judge Bench,

led by then CJI Ranjan Gogoi, took a curious turn on November 14 last. The Bench sidestepped the task of reviewing the September 2018 judgment, which declared the prohibition on the entry of women of menstruating age into the Sabarimala temple as discriminatory.

Instead, the Bench referred seven questions, including whether essential religious practices should be afforded constitutional protection under Article 26 (freedom to manage religious affairs), to a larger Bench.

Further, the Review Bench tagged other pending cases on the prohibition of

Muslim women from entering mosques, female genital mutilation among Dawoodi Bohras and the ban on Parsi women who married interfaith from entering the fire temple to the reference.

Chief Justice Bobde, when he succeeded Justice Gogoi, promptly set up the nine-judge Bench to decide this reference.

On Monday, Mr. Nariman argued that the Gogoi Bench had no business to either drag other cases into the reference or frame such "larger issues" when its sole mandate was to simply review the Sabarimala verdict.

CONTINUED ON PAGE 12

nCoV outbreak declared a State calamity in Kerala

Third case confirmed in Kasaragod; 84 under treatment

SPECIAL CORRESPONDENT
THIRUVANANTHAPURAM/
NEW DELHI

With the confirmation of a third case of the novel coronavirus (nCoV) infection in the State, Kerala on Monday declared the epidemic a State calamity.

The apex committee of the State Disaster Management Authority met Chief Secretary Tom Jose to propose the decision to ensure that the outbreak is controlled.

As on Monday, 2,239 travellers from China and other nCoV-affected countries have been placed under surveillance in the State.

Among them, 2,155 are under home isolation and 84 have been admitted to hospitals with isolation facilities in various districts, a bulletin from the State Health Department said.

Of the 140 samples sent so far to the National Institute of Virology in Pune, 46 have



Medical staff disposing of garbage outside an isolation ward for coronavirus at a hospital in Kochi. •PTI

tested negative. Hospital authorities confirmed that the condition of all symptomatic persons under isolation in hospitals was stable.

GoM set up
A high-level group of Ministers has been constituted on the directions of Prime Minister Narendra Modi to review the management of the outbreak.

Confirming the third case

of the nCoV infection in a student who returned recently to Kasaragod from Wuhan, the Union Health Ministry said, "The patient ... is in isolation in the hospital. The patient is stable and is being closely monitored."

Five people, who were shifted to the Army's Base Hospital from a quarantine facility in Manesar, Haryana, after showing symptoms of cough and cold, have tested negative for nCoV. The five were among the 247 persons evacuated from the Hubei province in China.

The symptoms of the coronavirus infection start with fever and dry cough followed by breathing problems, according to doctors.

The Kerala Health Department has taken adequate preparatory measures and had framed detailed guidelines as soon as the WHO issued a global health alert.

CONTINUED ON PAGE 12

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Will not splurge to end slowdown: Sitharaman

'Govt. will create assets transparently'

VIKAS DHOOT
PRISCILLA JEBARAJ
NEW DELHI

Finance Minister Nirmala Sitharaman on Monday asserted that the government was not going to repeat past mistakes and try to splurge its way out of the economic slowdown, in an apparent reference to the UPA government's response to the 2008-09 slowdown.

Speaking at a meeting of FICCI's national executive committee, the Minister said the government was willing to spend to pump prime the economy, but stressed that it "shall not repeat the mistakes of splurging".

The money being spent now will be used to create public assets that bring greater connectivity, Ms. Sitharaman said, adding, "We are showing where the money will go so that you can plan your investment."

Responding to speculation that the fiscal deficit could cross 4% or 5% of the GDP, she said, "I want to tell you that the experiences of the last time that India had a real tough economic situation and the call taken at that time, and post that call, the fiscal deficit number was touched by the government then."

Hinting perhaps to the 2009-10 Budget, when the fiscal deficit target was raised to 6.7% of GDP after the sharp slowdown triggered by the global financial crisis, she said: "The splurging with which the economy was expected to reach a better level and rise from the bottom it had reached are all fresh in our minds."

After the effects of the 2009-10 fiscal stimulus wore off, growth plunged sharply again over 2011 and 2012.

CONTINUED ON PAGE 12

BJP pulls up Hegde for remarks on Gandhiji

Congress questions MP's sanity

SPECIAL CORRESPONDENT
NEW DELHI

The BJP on Monday issued a show cause notice to its MP Anantkumar Hegde for his comments against Mahatma Gandhi.

Karnataka State president of the BJP Nalin Kumar Kateel said the party's Central leadership had served the notice on Mr. Hegde, taking strong objection to his remarks and had sought an explanation from him.

In controversial comments on Saturday, Mr. Hegde had questioned the freedom movement led by Gandhiji and described it as an "adjustment" with the British rulers.

"Freedom fighters who did not sacrifice anything made the country believe that it attained independence through *Upavas Satyagrah* (hunger strikes) - Gandhi's preferred mode of agitation - and became ma-



Anantkumar Hegde

hapurush (great persons)," the MP from Uttara Kanna said at an event in Bengaluru.

Responding to the remarks, Congress leader Brijesh Kalappa appealed to Lok Sabha Speaker Om Birla to conduct a "medical inquiry into the sanity" of the BJP MP. In a letter to Mr. Birla, Mr. Kalappa said, "As per Article 102 of the Constitution, an insane member cannot continue as a member of the Lok Sabha".

CONTINUED ON PAGE 12

Commen almost sell 3-star hotel, sitting in its lobby

Overheard by staff while negotiating the deal for ₹165 cr., they land behind bars

R. SIVARAMAN
CHENNAI

Chutzpah is defined as "extreme self-confidence or audacity". And the attempt by three comen to sell a well-known hotel in Chennai to gullible buyers, brazenly holding negotiations in the very hotel's lobby, has set a new benchmark in gumption.

The trio, identified as Karunakaran, 70, Paramanandham, 55, and Dakshinamurthy, 60, all from the city, were arrested on Monday as they tried to sell the three-star Hotel Ambica Empire to a group from Kerala.

The three men attempted to sell the hotel to the

prospective buyers at a cost of ₹165 crore.

They had sent a letter to Palakkal Home Solutions in Thiruvananthapuram, offering to sell the property. They claimed that it was a distress sale as the owner had a huge debt. They claimed that they had been officially authorised by the owner to execute the deal. One of the men claimed that he was the general manager of the hotel, the other, auditor and the third introduced himself as a manager.

Lured by this, and convinced by the letter, their fake documentation and the assurances of the three

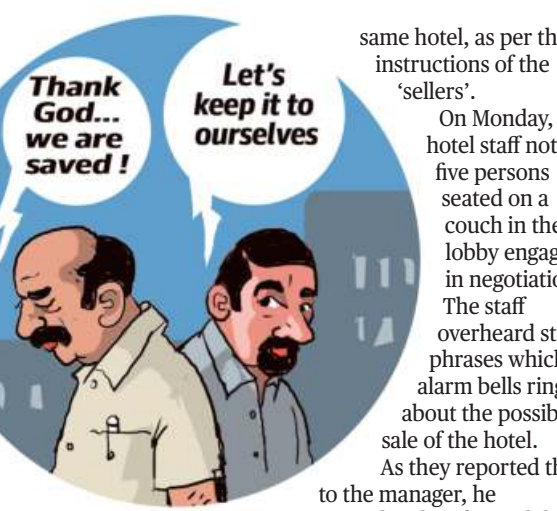


ILLUSTRATION: DEEPAK HARICHANDAN

persons, a team of representatives from the Kerala firm landed up in Chennai to seal the deal. Two of the representatives from Kerala, booked rooms in the

same hotel, as per the instructions of the 'sellers'.

On Monday, the hotel staff noticed five persons seated on a couch in the lobby engaged in negotiations. The staff overheard stray phrases which set alarm bells ringing about the possible sale of the hotel.

As they reported this to the manager, he immediately informed the owner, Sudharshan. The latter clarified that there was no such proposal. The manager then informed the Vadapalani police station, leading to the arrest of the three 'sellers'.

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