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Not the first, nor the last

The ‘survey’ of the Sambhal Jama Masjid—and the ensuing bloodshed—are on a predictable trajectory of communal hatred, writes **Apoorvanand**

The recent killing of five Muslims in Sambhal has sparked outrage, with fingers pointing in multiple directions. Among those accused is the just-retired chief justice of India, D.Y. Chandrachud. While his role is pivotal, let us first focus on those directly responsible—the individuals currently in power, and institutions mandated to uphold the law, ensure public safety, and protect the lives of all citizens.

The Sambhal administration claims that the victims were not killed by police bullets, but this assertion contradicts the testimony of a police circle officer (DSP) who admitted to opening fire on agitated Muslims. Blame lies with the civil administration and police officers who allowed a mob to march to the Shahi Jama Masjid shouting inflammatory slogans. Their actions exacerbated an already tense situation; instead of calming tempers, they stoked the flames.

The mosque ‘survey’ also warrants scrutiny. A local civil judge ordered the survey without seeking a response from the mosque committee—an obvious breach of due process. Lawyers and jurists were shocked by the haste of the proceedings. The survey was to be completed in just seven days, and within hours of the order, work began, with senior officials in attendance. This kind of alacrity is unheard of in such cases, and it gave the impression of a coordinated effort to provoke.

Even more troubling is the follow-up survey on 24 November, mobs in tow with the surveyor. (This was, unsurprisingly, a day after results had been announced to by-elections in the state.) There is video evidence showing police officers helping the mob instead of trying to disperse it. This was no impartial administrative action—it felt like a state-supported invasion of the mosque.

Why was the petitioner who demanded the survey allowed to accompany the survey team? It is clear that the court was not interested in due process and acted in a highly partisan manner. It is equally evident that the administration was complicit in letting tension build. It made no attempt to take the local population into confidence, and then acted with maximum force to silence the Muslims who reacted by pelting stones assuming that their mosque was under attack.

Five Muslims were killed in the police crackdown, and there are reports of vandalised homes, women dragged from their houses and wedding ceremonies disrupted by police. This wasn’t law enforcement—it was punitive violence, aimed at ‘teaching Muslims a lesson’.

The statements from the district magistrate, superintendent of police and circle officer offer no solace. None of them expressed regret over the loss of life. Their language dehuman-



Locals clash with police during the survey of Sambhal’s Shahi Jama Masjid in Uttar Pradesh, 24 November 2024. At least five persons were killed, allegedly in police firing

ised the victims, treating them as enemies rather than citizens deserving protection.

While those on the ground bear immediate responsibility, the blood of Sambhal’s victims also stains the legacy of former chief justice D.Y. Chandrachud. His actions created the legal environment that made Sambhal possible.

It was Chandrachud who legitimised the so-called ‘jurisprudence of curiosity’, opening the door for mosque surveys across the country. The Gyanvapi mosque case in Varanasi is a prime example. Hindus claimed they needed to ‘determine the character’ of the mosque to prove it was a temple. Despite the clear intent of the Places of Worship Act, 1991—which bars altering the status of religious sites as they stood on 15 August 1947—Chandrachud allowed the survey.

The Places of Worship Act was designed to prevent exactly this kind of communal conflict. Lawmakers, aware of the BJP’s Ram Janmabhoomi campaign, wanted to ensure

This legacy of bloodshed will haunt D.Y. Chandrachud and those who follow in his footsteps, unless they recognise the consequences of their actions and take remedial steps

that no religious site could be turned into a flashpoint. The Supreme Court too paid lip service to the importance of the Act in its Ayodhya judgement. Chandrachud was on the five-judge bench that delivered the fateful verdict and is conjectured to have authored its mealy-mouthed contents. No wonder he undermined the 1991 Act again by permitting the Gyanvapi survey, arguing that curiosity about the ‘true nature’ of the structure did not violate the Act. This was a dangerously naïve interpretation.

Predictably, the survey fuelled further claims. Hindus declared they had discovered a shivling in the Gyanvapi mosque’s *wazukhana* (ablution area), leading Chandrachud to order its sealing. This effectively altered the status of the mosque, making a part of it inaccessible to Muslim worshippers. Encouraged by this precedent, a lower court later allowed puja in another section of the mosque. What began as a survey ended up mangling the character of the mosque, violating the spirit of the 1991 Act.

The precedent set by Chandrachud has

emboldened Hindutva forces to file similar cases nationwide, from Mathura to Sambhal to even Ajmer Sharif. Courts now routinely order mosque surveys—it is turning into a deluge that threatens to drown India’s secular edifice.

Chandrachud’s decisions have turned the Places of Worship Act into a dead letter. He will go down in history not as a champion of justice but as the architect of a legal doctrine that weakened India’s secular fabric. His intellectual gymnastics may have cloaked his rulings in technical legality, but they lacked moral authority. The deluge of cases following Gyanvapi has demonstrated that his ‘jurisprudence of curiosity’ is not an academic exercise—it is a weapon in the hands of those who seek to erase India’s pluralist heritage.

The blood spilled in Sambhal is part of this legacy. It will haunt Chandrachud and those who follow in his footsteps, unless they recognise the consequences of their actions and take steps to restore the integrity of the Constitution. India deserves better—from its judges, its administrators and its leaders. ■

‘It’s not just a little red book’

The Constitution is a compact between citizens. On the 75th anniversary of the signing of ours, we should renew those vows, writes **Sanjay Hegde**

Seventy-five years ago, our forefathers brought forth upon a divided sub-continent, a nation conceived as a continuation of an old civilisation. ‘India that is Bharat’ was an idea whose pledge was being redeemed in a post-colonial world. Few gave it much of a chance.

A quote attributed to Winston Churchill warned, ‘If Independence is granted to India, power will go to the hands of rascals, rogues, freebooters; all Indian leaders will be of low calibre and men of straw. They will have sweet tongues and silly hearts. They will fight amongst themselves for power and India will be lost in political squabbles. A day would come when even air and water would be taxed in India.’

As we mark the 75th anniversary of the signing of the Indian Constitution on 26 November 1949, it’s a wonder that we have lasted so long. Dr Ambedkar in his last

address to the Constituent Assembly on 25 November 1949, had his forebodings: “Will history repeat itself? It is this thought which fills me with anxiety. This anxiety is deepened by the realisation of the fact that in addition to our old enemies in the form of castes and creeds, we are going to have many political parties with diverse and opposing political creeds. Will Indians place the country above their creed or will they place creed above country? I do not know. But this much is certain that if the parties place creed above country, our independence will be put in jeopardy a second time and probably be lost for ever.”

Recent events have seen an exaltation of political creed above the peaceful functioning of the country. ‘India that is Bharat’ is being supplanted with the notion of ‘*Bharatiyata*’, relegating to the background the ‘idea of India’. A Hindi–Hindu–Hindustan vision

necessarily implies that those whose identities do not fall within these markers must necessarily accept by implication a lesser participation and say in public affairs. If citizenship is the right to have rights, majoritarianism based on religion and language seems determined to deny some rights to those who do not conform to the larger projected identity.

Worldwide, the democracy project seems to have run aground.

Populations are now run by populists who exalt electoral victories above democratic governance. We have courts that have now ceased to see constitutional limitations as the guardrails of power. Constitutional provisions are now interpreted as mere enablers and enhancers of power rather than as brakes and safety valves against despotism.

It was prescient of Justice Learned Hand to warn, “I often wonder whether we do not rest our hopes too much upon constitutions, upon laws and upon courts. These are false hopes; believe me, these are false hopes. Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can even do much to help it. While it lies there, it needs no constitution, no law, no court to save it.”

It is against this backdrop that we must renew our constitutional vows. The Constitution is not merely a little red book to be waved at political rallies. It is not just a manual of instructions constituting an operating system for the administrative functioning of various organs of state. It is not a holy book whose indecipherable meanings

are revealed after much debate by black-robed priests at some high temple on Delhi’s Bhagwandas Road. The Indian Constitution is all this but is yet something more.

The core of the Constitution lies in a solemn compact between citizen and citizen in a democratic country to protect its sovereign independence as a nation and to ensure freedom within the country. The compact is of fraternity, which is based on liberty and equality. Our creed, as Indians,



We are not just individuals forced by circumstance to share a common geography, we are all Indians who share a common dream of a nation that assures political, social and economic justice

says all Indians are brothers and sisters. That the poorest, most humble Indian stands as an equal brother or sister to the richest and most powerful person in the land. That each citizen realises that his rights are co-equal and dependent on the exercise of the rights of every other citizen. That each citizen has a duty to defend his brothers’ rights against any abridgment or negation by the state or by other fellow citizens. We are not just Hindus, Muslims, Sikhs, Christians, Parsis, Jains, Jews, atheists and agnostics forced by circumstance to share a common geography—we are all Indians who share a common dream of a nation that assures political, social and economic justice.

It is in the pursuit of this dream that the Constitution has served as a beacon to the last, the least and the lost. It was the tribals of the Pathalgadi movement in Jharkhand who painted their constitutional rights on stones outside their villages as a reminder to officials that they too were citizens. It was three girls in a junior college in Udupi who asserted their constitutionally protected right to wear hijabs to class. It was the protestors in Shaheen Bagh and other spots who told the government that it could not discriminate among religions in the grant of citizenship. It was the farmers protesting on the borders of the national capital who asserted that corporatising agriculture could not be at the cost of their farms.

In these and other cases, the Constitution was both a pointed sword of assertion and a broad shield of protection.

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Taking the battle to the streets

The only way to counter the erosion of our constitutional values is to yoke them to the everyday aspirations of our people, writes **Yogendra Yadav**

In the Lok Sabha elections this year, Indian democracy had glimpsed a sliver of hope—a window cracked open not by political parties but by the people themselves. Much like the historic verdict of 1977 post-Emergency, the electorate in 2024 had pushed open a window in the wall that had been erected against constitutional democracy. This was a chance for opposition parties to transform that window into a door and rally to safeguard the nation. Tragically, Indian political parties typically buckle under the weight of such onerous responsibility. Just six months later, with three state assembly elections behind us, that window of hope has narrowed to a skylight. The burden now shifts back to the citizens and civil society to intensify their fight to preserve the spirit of the Indian Constitution.

To turn this glimmer of hope into a real opportunity, it was imperative to follow up the BJP's setback in the Lok Sabha elections with a string of defeats in the subsequent assembly elections. The task was challenging but not impossible. In Maharashtra, the INDIA coalition (MVA or Maha Vikas Aghadi) had won 30 of 48 Lok Sabha seats and seemed well-positioned for an assembly victory. In Haryana, where the Lok Sabha results were split 5-5, the Congress looked a clear favourite in the assembly polls. Jharkhand presented a tougher challenge: the BJP and its allies held an edge in the Lok Sabha elections, but it was still possible that a concerted effort might secure a win for the JMM-led alliance.

While that happened, though, was just the opposite. In Jharkhand, where victory seemed the hardest, the INDIA coalition triumphed decisively. In Haryana, where the Congress was expected to win, it lost. In Maharashtra, which seemed a certain win for the opposition, the INDIA coalition was wiped out. While these results are controversial—the Opposition has raised questions about the outcome in both Haryana and Maharashtra—it's important to focus on their implications. Having witnessed electoral outcomes for 35 years, I can't help noticing shades of last year's shocking results in Madhya Pradesh. Something



People come out in protest against the Modi-Adani nexus, New Delhi, 25 November 2024

seems amiss. But leaving aside the dispute over the authenticity of this mandate, let's examine the fallout.

One thing is certain: the Modi government, which had appeared subdued after the Lok Sabha elections, will now regain its swagger. This shift was evident in the prime minister's remarks during the parliamentary session following the Maharashtra win. While it may still be difficult for the BJP to push through dramatic constitutional changes like 'One Nation, One Election', it will press ahead with its broader agenda. Be it laws targeting waqf boards, the introduction of a Uniform Civil Code, or census-driven delimitation, these initiatives will likely gain momentum. Simultaneously, efforts to suppress dissent will escalate—be it tightening control over social media platforms like YouTube or cracking down on people's movements, activists and opposition leaders. Economic policies favouring a

The real battleground for the fight to save democracy will shift from Parliament to the streets

few industrial conglomerates will accelerate unchecked. Issues that had cornered the government, such as the controversies surrounding SEBI and Gautam Adani, will now be brushed aside. Over the next year, the ruling party will spin its decisions as being in the national interest. Within the NDA, the BJP's dominance will grow, and within the BJP, Modi's hold will tighten.

In this scenario, the responsibility of protecting constitutional democracy and the soul of India falls squarely on civil society, grassroots movements and conscientious citizens. While opposition parties are expected to resist the government's undemocratic agenda in Parliament, their influence may be limited. Their most significant contribution would be to thwart the BJP in upcoming elections in Delhi and Bihar. Yet, the real battleground for the fight to save democracy will shift from Parliament to the streets. Non-violent protests and grassroots campaigns will become the primary tools of resistance. Unemployment, inflation, farmer distress, atrocities against Dalits, tribals, women and minorities—these are the issues that civil society must rally around. Scandals like those involving Adani won't gain traction unless these concerns are amplified through mass movements.

But the fight extends beyond the streets and Parliament—it is also a cultural battle. Ultimately, preserving the soul of India is an ideological struggle. The vision of India crafted during the freedom movement must be protected, reimagined and conveyed to each new generation in their language and idiom. The bitter truth is that post-Independence generations of Indian citizens have failed to conscientiously fulfil this responsibility. This failure has enabled anti-constitutional and divisive ideologies to seize power. The only way to counter this is to yoke the principles of the Constitution to the everyday aspirations of the people. On the 75th anniversary of the adoption of the Constitution, it is the duty of every citizen who still believes in its values to rise to the occasion.

The opportunity still exists. A window may have closed, but the skylight is still open. ■

Not just a little red book

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For a society brought up on 'Karmanye vaadhikaaraste'—a doctrine where one is expected to perform one's duty without expectation of reward—the Constitution's emphasis on individual rights and collective fraternity is a revolutionary doctrine. It is also worthwhile to recollect that the constitutional dream was born against a nightmarish decade of violence prior to its signing. The Second World War, the Jewish Holocaust, the dropping of atom bombs, the million lives lost in Partition violence and the murder of the Mahatma all influenced the debates in the Constituent Assembly. The resultant document must also be seen as a survivors' covenant, to not again go down the violent courses of the past. Three generations later, we may have forgotten some of those lessons, but we must continue to reaffirm Justice Sudhanshu Dhulia's dictum that our Constitution was born out of love, not hate.

In 1787, as the last members of the Constitutional Convention in Philadelphia were signing the document of the US Constitution, Benjamin Franklin looked towards the President's chair, at the back of which was painted a rising sun. He observed to a few members near him that the painters had found it difficult to distinguish in their art a rising sun from a setting sun. He said: "I have often and often in the course of the session, and the vicissitudes of my hopes and fears as to its issue, looked at that behind the President without being able to tell whether it was rising or setting. But now at length I have the happiness to know that it is a rising and not a setting sun."

It's time for us to figure whether the sun is rising or setting on constitutionalism in India. Jai Hind, Jai Samvidhan, Jai Bhim! ■

STATES 360° TAMIL NADU

The success of breakfast meals and plastic bans



Shivkumar S.

In 2022, following up on two successful schemes, the mid-day meal and the nutritional meal, Tamil Nadu launched the chief minister's breakfast scheme. Students of classes 1-5 studying in government schools were to be provided free breakfast on all schooldays. On the menu from Monday to Thursday—khichdi/upma/ pongal (made of rava, rice, and vermicelli) with a helping of sambar; on Fridays, an additional sweet dish.

Started as a pilot project in Chennai, covering economically backward and tribal areas, it has now been expanded to the rest of Tamil Nadu. Intended to improve nutrition, check dropout rates and increase enrolment rates in schools, experts believe that this pioneering scheme should go national.

In Chennai, there are 53 kitchens dedicated to cooking and transporting hot, freshly cooked breakfast to the schools. While several northern states serve watery dal or chapatis with salt, Road Scholarz reported the children of a particular school in Tamil Nadu saying that the food

is "super", much better than home food. The sambar was thick with lots of veggies, and they were also served an egg every day with the midday meal. They did have one complaint—rice upma was served too often and pongal not nearly enough (only once a week!).

If you ask who the father of the mid-day meal scheme is in India, chances are most people will say MGR, the matinee idol who went on to become chief minister of Tamil Nadu. That's the story that has taken hold of popular imagination. If you dig deeper, the origins of the scheme can be traced to K. Kamaraj. Most people, especially the older generation, will remember Kamaraj as the man who played a huge role in the evolution of the Congress party post-Jawaharlal Nehru. As party chief minister of Tamil Nadu, he launched the mid-day meal scheme way back in the 1950s, a fact very few recall.

The interesting thing about the mid-day meal scheme is that other states saw the potential and emulated it. Karnataka initiated its own Indira canteens (named after the late prime minister, Indira Gandhi). Odisha's Jan Aahar offers rice

and dalma (an Odia dish of dal cooked with vegetables), priced at Rs 5 in cities like Bhubaneswar and Cuttack. However, none of them gained the traction that the Tamil Nadu scheme had.

Initially, there were concerns that the scheme would adversely affect Tamil Nadu's ubiquitous pushcart vendors, who sell everything from snacks to meals at affordable prices. Those fears were misplaced. While Amma canteens, named after former chief minister J. Jayalalitha (notably, M.K. Stalin's DMK government didn't bother to change the name), enjoyed steady customers, the pushcart vendors didn't lose any business either.

It's interesting to speculate on why this is so. Amma canteens offer a cheap, inexpensive menu (idlis at Re 1, pongal at Rs 5, curd rice at Rs 3, sambar rice at Rs 5 and, in the evenings, 2 chapatis and dal for just Rs 3). Yet, many working-class people still don't mind shelling out a lot more, say Rs 40 for sambar rice and Rs 5 for an idli. One reason is add-ons—a papad with sambar rice, a pickle with curd rice, a dash of coconut and tomato chutney, a crisp vada to go with your idli.

Be that as it may, parents of these primary school children are quite happy with the scheme. It allows them to go about their business, secure in the knowledge that their kids will be fed a decent breakfast and lunch, and will actually be in school instead of playing truant.

Road Scholarz reported the children of a particular school in Tamil Nadu saying that the food is 'super', much better than home food

Kasturi sparks a firestorm

Tamil actor Kasturi has been in the news recently for her controversial statement at a public event in Hyderabad, where she said Telugu women in Tamil Nadu owed their ancestry to the courtesans of kings. This set off a firestorm. Political parties were quick to condemn her for these remarks, and sure enough, a petition was filed against her in a Chennai court (and other districts as well) for demeaning the Telugu community.

The police were quick to arrest her and bring her from Hyderabad to Chennai, where a judge granted her bail. A high court judge had earlier refused her plea for anticipatory bail, despite her apology. Kasturi said her comments—made during a protest for Brahmin rights and alleged discrimination against Hindus—had been manipulated by political parties for their own ends.

Tamil Nadu has a substantial population of Telugu-speaking people, who have been settled in the state for hundreds of years and are indistinguishable from the Tamil-speaking people in most other respects. Several prominent politicians, such as Vaiko (Y. Gopalaswamy), and Vijayakanth, the actor-turned politician, belong to the Telugu-speaking Naidu community. Interestingly, MGR himself was a Keralite, and former chief minister Jayalalitha's mother was from Karnataka.

Periyar, known as the 'father of the Dravidian movement', was from a Kannada-speaking community. Even the quintessential Tamil icon, Rajinikanth, is a Maratha from Bengaluru. For decades after Independence, Chennai (then Madras) was the hub of the south Indian film industry; even Sinhala films were produced there. So what's all the fuss about?

Plastics can be banned, but what about the tourists?

Nestled at a height of over 7,000 feet, Ooty or Ootacamund (from the tribal Toda language) is a picturesque town, very popular with tourists from all over India. As in so many north Indian hill towns, tourism is both a boon and a bane in

the Nilgiris biosphere, home to the Nilgiri tahr and other endangered animals. The ghats (hill road) from the town of Mettupalayam to Ooty is so choked with vehicles that the authorities had to make it a one-way to manage traffic better.

While tourism can't be wished away, one initiative is bearing fruit—the banning of single use plastic by an enterprising district collector several years ago. This has kept the district free of the mountains of plastic that might otherwise have defaced Ooty, Coonoor and Wellington—home of the Madras Regiment and the armed forces staff college.

The plastics ban also includes cling wrap, styrofoam, laminated boxes and plastic bottles. Shops in the district follow the rule strictly. If they don't, they face heavy fines. Authorities even check automobiles entering the district to make sure no plastic items are being carried in.



However, the problem of tourist inflow has led to unchecked construction activity in the district towns. Ooty's surrounding natural beauty is at odds with the ramshackle buildings that cramp the town's original style. It may not have reached a tipping point yet, but as in Uttarakhand, landslides are a common occurrence. So much so that the Nilgiri Mountain Railway with its rack and pinion track and Swiss-made locomotives very often cancels services. Gone are the days of taking a leisurely five hours to reach Ooty on the mountain train from Mettupalayam. Why bother, think most people, when you can reach in two hours by car? That may sound like progress, but is it? ■

The three trillion-dollar smog

Two million Indians die of pollution every year, but when was the last time you heard any leader talk about the environment?

Avay Shukla

While our Supreme Leader is accepting inconsequential awards in Guyana and elsewhere—do you even know where? here a clue: nowhere near Manipur—and hugging war criminals and their accomplices in sundry other places, his own capital is invisible from outer space or even from my own balcony, blanketed as it is in a toxic cocktail of dust, poisonous gases, PM2.5, CO2 and God only knows what else. AQI levels have crossed 1,000 (more than 20 times safe levels as prescribed by WHO) according to official reports.

North India has been officially declared the most polluted region in the world. According to WHO, two million Indians die of pollution every year (one-fourth the global figure), but when was the last time you heard either this demi-god, his environment minister or any other leader of any consequence talk about the environment?

I wouldn't want to bore the reader with oft-repeated statistics, but some figures are necessary to grasp what a waste of time blame-gaming is—the usual AAP vs BJP vs Congress vs Yogendra Yadav vs all. And that this isn't just about the privileged and spoilt brats of Delhi but about the whole country.

We all treat the natural environment like a piece of toilet paper—we use it to serve our basest needs and throw it away. (Incidentally, did you know that 28,000 trees are cut every day to manufacture toilet paper?) If you can spare some time between your Muslim bashing, bridge games, gym workouts, Swiggy deliveries and kitty parties, consider these figures.

The country has lost 2.33 million hectares of tree cover since 2000 to so-called development projects (Global Forest Watch). One hectare of moderately dense forest can capture 147 mt (metric tonne) of CO2. If our environment minister can do the simple maths, that means we have lost about 300 million tonnes of carbon sequestration capacity per annum, one-third of what we had promised to add in the last COP summit on climate change.

And this doesn't even factor in the other benefits of forests—ecological services, water retention, dust and sound barriers, preservation of biodiversity.

In addition, between 2015 and 2021, 3.13 million hectares of forests have been degrad-



Photo: Getty Images

With AQI readings 20 times higher than safe levels, residents leave home at their own risk. Kartavya Path, New Delhi, 25 November 2024

ed from dense to open/scrub and 9.40 million trees have been felled for mining, road construction, power projects. According to a *New Indian Express* report by Prabhat Shukla dated 4 July 2024, 77,000 trees have been cut between 2019 and 2022 in Delhi alone.

The lieutenant-governor of Delhi himself—he who is accountable to no one, not even his conscience, since that has been kept in hock at 7, Lok Kalyan Marg—is being investigated by the Supreme Court in a case of irregular felling of 1,100 trees in Delhi's Southern Ridge area. India has only 28 trees per capita as against a global average of 422.

This environmental slaughter is an ongoing and continuous process under the benign gaze of the judiciary, National Green Tribunal, World Bank, IMF and the expanding roster of homemade billionaires. Approval has been given for felling 800,000 trees in the Andamans and 120,000 trees in the Hasdeo forests, despite protests by tribals, and 60,000 trees have been cut down to

The 10% upper classes, who contribute to 90% of the pollution and degradation, are not bothered: they can insulate themselves with their air-conditioners and air purifiers

build a road for Mr Yogi Adityanath's favourite *kanwariyas*.

Even Shimla, which now has more advisors to the chief minister than it has deodar trees, proposes to fell a few hundred trees to make flyovers! I will not even talk about the Western Ghats, the horrendous Char Dham highway, the entirely unnecessary four-laning madness that has gripped the Himachal government.

Every single river has been poisoned beyond acceptable levels of drinking or even farming. Most of our wildlife and biodiversity are on the verge of extinction, never mind the figures cooked up by FRI (Forest Research Institute), Project Tiger Authority or the Zoological Survey of India on their post-retirement microwaves. Why should we spare the air, when we are decimating every other element of nature?

Environmental regulations that provide some limited protection to the environment even in a chronically corrupt country like ours are being relaxed on an almost daily

A tale of two court orders

When court judgements pave the way for sectarian violence and communal hatred, the rot has set in deep, writes **Rashme Sehgal**

How far will a court judgement go in triggering a riot? The recent example of an order passed by a civil judge Aditya Singh in Sambhal on 19 November 2024 should be illustrative.

Singh was hearing a petition filed by Hindutva cheerleaders, who demanded they be allowed to conduct a survey of the Shahi Jama Masjid, an ASI protected monument, which they claimed was built in the sixteenth century by the Mughal emperor Babar after pulling down a Shiv temple.

The petition was filed on the afternoon of 19 November. Without even hearing a representation from the Muslim side, the judge passed an order that the survey be carried out by an advocate commissioner that very same evening. This was done without any ado.

A court decision even before the other party has been heard is a first. No coincidence that voting was due the next day (20 November) for nine assembly seats in Uttar Pradesh, after completion of the first stage of the survey. Nobody is surprised any more by the metronomic consistency of these communal dog whistles, and Yogi Adityanath has been a mascot and flagbearer of the tradition, but a court decision that doesn't even bother with the pretence of a fair hearing is a new low in our public life.

The 'survey' could obviously not be completed by the evening of 19 November; and so, the surveyors returned to the Sambhal Jama Masjid on 24 November (a day after the UP assembly results had been declared) where members of the Muslim community, upset that the court had not even heard their side, had gathered in large numbers. Clashes broke out between protestors and the police leading to the death of five Muslim youth.

Contrast this with the judgement by a division bench of acting chief justice Manoj Kumar Tewari and Justice Rakesh Thapliyal of the Nainital High Court, who in response to a demand to demolish a 55-year-old mosque built on private property in Uttarkashi ordered the state government and the DGP police to maintain peace and security 'at all costs as also ensure no harm came to the mosque'.

The petition to demolish the mosque was filed by the Alpsankhyak Seva Samiti, and came up in court on 22 November. While

reading out the order, one of the judges is reported to have said: "We are not living in a theocratic state," and need to show respect for all religions.

The Nainital two-judge bench has shown that courts can be a restraining influence if they insist the administration maintain law and order. Himachal Pradesh proves that if the police are unencumbered by political interference, they can and do act firmly to ensure communal harmony. Sanjauli is an example. In Sambhal, the police are recorded on video throwing stones at the protestors. The five recorded deaths include a 22-year-old whose father alleges he was shot in the chest by the police.

Uttarakhand chief minister Pushkar Singh Dhami has clearly done a close reading of Yogi's handbook on how to whip up a communal frenzy. On Dhami's watch, the state of Uttarakhand has become militant Hindutva's preferred laboratory. From amping up the communal rhetoric at will to bulldozing mosques, madrasas and Muslim homes (remember Haldwani in January 2023?) to menacing and hounding Muslims out of their homes and small businesses (Purola, June 2023) to passing a blatantly un-uniform Uniform Civil Code (February 2024)... it has many dubious distinctions in the Hindu right-wing's anti-Muslim sweepstakes. The arsenal was used to telling effect in the recent

Nobody is surprised any more by the consistent communal dog whistles, but a court decision that doesn't even bother with the pretence of a fair hearing is a new low in our public life



Photo: Getty Images

The Shahi Jama Masjid wears a deserted look following a violent clash with the police in UP's Sambhal on 24 November 2024

Kedarnath bypoll, which the BJP's Asha Nautiyal won, after the party had faced humiliating defeats in Ayodhya/Faizabad in the Lok Sabha election (June 2024) and the Badrinath bypoll (July 2024).

The Uttarkashi district administration had already conducted an enquiry in September and found that the mosque in question was a legal entity, having been built in 1969 on private land. Funds for its construction were raised through individual donations and the mosque has been registered with the Waqf Board. But these details were of no consequence and held no meaning for the Hindutva hordes that took out a procession on 24 October threatening to pull down the mosque—they knew fully well that the state was an ally. Even as they clashed with the police, an incident in which both protestors and policemen were injured and eight were arrested for inciting violence.

Uttarkashi district BJP chief Satinder Rana met CM Dhami to complain against police 'high-handedness'. Dhami obligingly ordered a re-examination of the land acquisition papers to see if any 'illegality' had occurred.

Those arrested were released on bail. The DSP and the SDM Uttarkashi, who had both taken a tough stand against the pulling down of the masjid, were packed off by Dhami to state headquarters in Dehradun.

Hindutva groups led by the VHP threatened to hold a *mahapanchayat* in Uttarakashi on 1 December. Afraid this may trigger more violence, the respondents sought an urgent hearing before the Nainital High Court on 27 November, which refused permission to hold the mahapanchayat, and instructed the police to ensure no untoward incident took place in Uttarakashi.

The problem goes back to the Ram Janmabhoomi movement and the Supreme Court verdict of November 2019, in which a five-judge bench headed by then CJI Ranjan Gogoi, and including the just-retired CJI D.Y. Chandrachud, invoked specious logic to finally clear the way for a Ram Mandir to come up at the disputed Ram Janmabhoomi-Babri Masjid site.

The verdict made good use of the explicit exception provided in the Places of Worship Act, 1991 in the following words: '*Nothing contained in this Act shall apply to the place or place of worship commonly known as Ram Janmabhumi-Babri Masjid situated in Ayodhya in the State of Uttar Pradesh*'. But the Act came into being with a purpose—to prevent a repeat of this cycle of contesting claims about an old place of worship and its predictable aftermath. It opens with the statement: '*An Act to prohibit conversion of any place of worship and to provide for the maintenance of the religious character of any place of worship as it existed on the 15th*

day of August, 1947'.

It happened nevertheless. The floodgates opened for contesting claims—Gyanvapi, Mathura, Sambhal, Ajmer Sharif et al—when recently retired chief justice of India D.Y. Chandrachud put his stamp of approval on the Gyanvapi 'survey', arguing that curiosity about the 'true nature' of the structure did not violate the Places of Worship Act. Chandrachud also refused to stop the puja being conducted in the southern cellar of the Gyanvapi mosque complex.

The judgement emboldened Hindu groups clamouring for the demolition of 2,000-odd mosques, which they claim were built by Muslim rulers after destroying Hindu temples. The sites targeted include the Red Fort, the Delhi Jama Masjid and the Taj Mahal. Litigants have already filed cases pertaining to these claims in various courts, including one demanding the demolition of the Shahi Idgah in Mathura for a 'vistaar' (expansion) of the Krishna Janmabhoomi temple along the lines of the Ram Mandir in Ayodhya.

Vishnu Shankar Jain, the advocate representing Hindu litigants in Varanasi and Mathura, insists this is a battle for the restoration of Hindu heritage. What it is, though, is an attempt by a fundamentalist revisionist regime to obliterate Islamic religious and sacred spaces—if our judiciary will let them have their way. ■

AVAY SHUKLA is a retired IAS officer and the author of *Disappearing Democracy: Dismantling of a Nation*

WAQF (AMENDMENT) BILL, 2024

‘The BJP’s agenda is to defame Muslims’

Syed Naseer Hussain is a second-term Rajya Sabha MP of the Congress party from Karnataka. As a member of the JPC (Joint Parliamentary Committee) on the Waqf (Amendment) Bill, 2024, he has been part of the fractious proceedings on the proposed amendments. In conversation with Vikhar Ahmed Sayeed, he explains his reservations on the Bill and why he remains suspicious of the BJP’s intentions. Excerpts:

Various state waqf boards together control 8.7 lakh properties spanning 9.4 lakh acres across the country. This number is striking and has led to a lot of speculation about how the waqf boards came to own such huge parcels of land.

It is important to clarify that the Central Waqf Council or the state waqf boards do not own even an inch of property. Waqf boards merely oversee *auqaf* (plural of waqf) donated at some point of time. Large chunks of land were given by royals of all faiths over centuries as *inam* (land grants) to mosques, dargahs, cemeteries, idgahs and other centres of religious activity, and these constitute a sizeable proportion of waqf properties.

The figure of 8.7 lakh properties may seem striking, but if one were to add up the lands owned by, or associated with the religious activities of, other communities, the figure will be proportional to their population. For instance, the Hindu Religious and Charitable Endowments boards in just Telangana, Tamil Nadu and Karnataka together manage around 11 lakh acres.

There are more than 6.5 lakh villages in the country, and Muslims are present in at least 80–85 per cent of them. Every settlement will have, at the very least, a mosque, a cemetery, an idgah and several dargahs. The idgah itself will be at least an acre.

[...]

One of the stated intentions of the Waqf Bill is to introduce transparency to prevent mismanagement of waqf properties...

The government says it wants greater transparency by digitising information on properties managed by waqf boards, but this has already been done. The Union minority affairs ministry has even issued a statement to this effect. All this data has been gazetted by state governments after surveys by Survey Commissioners of Waqf appointed by state governments. It makes no sense to launch another portal for the same task. Does the Union government not trust state governments, including those governed by the BJP, to provide reliable data?

There have been allegations of corruption in the management of waqf properties and of encroachment by *mutawallis* (managers of waqf properties),

but what has the BJP government done to get these encroachments cleared? Has anyone been held guilty and convicted or has an FIR been filed? It is also shocking that the new Bill reduces the punishment for an encroacher from two years to one year. The Central Waqf Council has been in limbo for the past three years. State governments where the BJP is in power have not framed rules after the 2013 Act.

Certain provisions of the Bill have become controversial. For instance, the compulsory appointment of two women in every waqf board; appointment of non-Muslims in the Central Waqf Council and waqf boards; the provision to appeal the Waqf Tribunal’s decision to appeal the Waqf Tribunal’s decision in minority courts; and the inclusion of sectarian in minorities as members of waqf boards. Why do you disagree with these provisions?

The strangest among all these provisions is the inclusion of women [because] the 2013 Act already provides for this, and all waqf boards have two women members. Clearly, the minority affairs minister [Kiren Rijiju] has not read the 2013 Act.

[...]

In a secular country [in the Western sense], an administrator of any faith could be appointed in any department. I do not have a problem with that personally, but laws governing the functions of Hindu endowment boards, temple trusts, etc., in states across the country explicitly mention

“Laws governing the functions of Hindu endowment boards, temple trusts, etc., across the country explicitly mention that only a Hindu can be a member. Why a different yardstick for waqf boards?”



Muslims protest against the Waqf (Amendment) Bill, Kolkata, 19 November 2024

Photo: Getty Images

that only a Hindu can be a member of the governing board or trust. When that is the case, why is a different yardstick being used for the functioning of waqf boards?

Moreover, waqf or Hindu endowment boards deal with the religious activities of a particular faith. How will a person from a different faith understand the customs, traditions and religious practices of a different faith? The appointment of non-Muslims will not improve the functioning of waqf boards in any way; the [proposed amendment] is a way of saying the government does not trust Muslims.

[...]

Another contentious provision is that only a person who has been practising Islam for at least five years may declare a waqf. What is your opinion?

This is against the secular and liberal traditions of our country. Any citizen should be allowed to donate to any person, to

support any religious activity or institution of our history. We have innumerable examples in our history. Kings and queens, nawabs and sultans have given grants to people of all faiths. Besides, which authority will certify religious credentials?

What is the government’s intention with the proposed Bill?

The BJP’s agenda is clear: they want to polarise the electorate. They have an established method to do this. It starts with an issue getting immense traction on social media, followed by massive fake news. Then, this propaganda is picked up by BJP politicians, who provide specious arguments to give legitimacy to false claims, which is eventually followed by legislative measures.

The BJP wants to be seen as a party that is showing Muslims their place and making them second-class citizens. Through this, their aim is to create a social constituency that will vote for them in perpetuity.

If this Bill is passed in Parliament, do you think claims made by Hindu right-wing groups on historical Islamic sites will increase?

If this Bill becomes law, it has the potential to ignite religious divisions in every village of the country. Anybody can go to the deputy commissioner and create doubts about the provenance of historical monuments and land titles leading to major communal contentions. All this will lead to litigation on communal lines, which in turn will be utilised to polarise [people]. That is why the Bill is dangerous for the democratic secular fabric of the country.

Several farmers all over the country have complained about notices from district waqf boards claiming their

agricultural lands. What do you have to say about this?

I cannot comment as I am not well versed with the facts of different cases, but broadly, what is happening shows the disjunction between various land laws. Inams abolition, land ceiling and land reforms law were passed in many states. As part of this, land has been redistributed to the tiller, but such laws were challenged legally and the Supreme Court delivered a judgement that a waqf land cannot be alienated. (Part of the judgement reads: ‘Once a waqf, always a waqf’).

This has led to situations where the waqf boards feel they have the right to claim lands that were taken away. In such cases, state governments should step in and come up with a solution so that the aggrieved farmers and the waqf do not suffer any loss and are compensated appropriately.

Couldn’t the BJP have prevailed on its allies to get the Bill passed? Why did it send it to the JPC?

The Bill is ill-conceived, poorly drafted and bereft of legal logic; it was hastily tabled in Parliament. No stakeholders were consulted in its preparation and there was no need for it at all. There have been no serious complaints or judicial prodding about the functioning of the Waqf Act 1995 and its amendments of 2013.

The Bill was brought in to rake up political controversy. All opposition parties opposed its introduction; even some BJP allies such as the Telugu Desam Party suggested that it should be sent to the JPC. Sensing that the Bill would not get Parliament’s approval, they sent it to the JPC for further consultation. ■

A longer version of this interview originally appeared in Frontline

Who really benefits from the Waqf Bill?

The Waqf (Amendment) Bill is at variance with other similar laws in the country. How is that tenable?

Faizan Mustafa

A fair assessment is needed of the Waqf (Amendment) Bill, 2024, introduced in the Lok Sabha on 8 August, to understand its salient features and to see how these can improve the efficiency and administration of waqf properties or how they harm the cause of ‘one nation, one law’ in the sense that they are at variance with similar laws such as the Bihar Hindu Religious Trusts Act, 1950; the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959; and the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (also applicable to Telangana).

A waqf is different from a ‘trust’. Unlike trust law (except to some extent in the Hanafi sect), the founders of a waqf cannot take any benefits. Also, unlike trusts, a waqf is perpetual, irrevocable and inalienable. Finally, the property put in a trust vests in the trustee but that in a waqf vests in ‘God’.

Waqf is the most explicit expression of philanthropy in Islam and is a mode of redistribution of wealth. The owner of a property dedicates it to God, and its usufruct, for religious or charitable purposes, extends in perpetuity. The Quran does not mention waqf, but that does not mean it has no theological basis. The Quran has at least 20 verses

encouraging people to spend their wealth on charity.

[...]

As in other countries, Muslim rulers in India too generously created *auqaf* for the maintenance of mosques, madrasas, orphanages, graveyards and so on. As regards dealing with mismanagement of waqf properties, there are historical records that Alauddin Khilji (1296–1316) punished corrupt *mutawallis* (managers of waqf property).

In Akbar’s time, the services of several qazis (judges) were terminated for accepting bribes in *auqaf* matters. The Waqf (Amendment) Bill, 2024 is ostensibly an attempt to deal with alleged corrupt practices of the country’s waqf boards, but a close reading reveals several problematic provisions that may destroy waqf administration, and make it practically impossible to reclaim waqf properties where there is government encroachment.

[...]

A false and motivated narrative has been created that the Waqf Board can simply declare any property as waqf. Nothing can be farther from the truth. Waqf properties are all private properties dedicated to charity.

The amendments have some

positive features. Section 3A says only a lawful owner can create waqf. This is exactly what Islam also mandates. Section 3(r)(iv) has inserted the words ‘maintenance’ of widows, divorced women and orphans’, which is good, but these purposes were already covered by the expression ‘welfare and other such purposes recognised by Muslim law’.

[...]

Although the Waqf Acts of 1954 and 1995 permitted only Muslims to create *auqaf*, the 2013 amendment removed this unjustified restriction. The 2024 Bill has revived the earlier restriction by deleting Section 104 and making it more stringent by insisting that only a person who has been a Muslim for five years can create a waqf. This violates the ownership rights of non-Muslims, as they are free to do what they want with their properties.

[...]

Abolition of ‘waqf by user’

The new Bill proposes to abolish ‘waqf by user’. This provision goes against even the Babri Masjid judgement in *M. Siddiq (2019)*, which categorically recognised the concept of waqf by user when the court observed that ‘our jurisprudence recognises the principle of waqf by user even absent an express deed of

dedication or declaration. Whether or not properties are waqf property by long use is a matter of evidence.’

Most old graveyards are waqf by user and may not have waqf deeds. The concept of ‘immemorial user’ is recognised under British common law and under Hindu endowment laws. Waqf by user was allowed by the Waqf Act of Bengal, 1934 and Bihar, 1947, by the Uttar Pradesh Muslim Waqfs Act, 1960, and by the (Central) Waqf Act of 1954.

Waqf tribunals have been needlessly weakened. It is not clear why the government has such distrust of

tribunals when all tribunal members are appointed by it.

[...]

A bogey was deliberately created about the absolute finality of a waqf tribunal’s decisions. But the decision of the Hindu Endowment Tribunal in Telangana and Andhra Pradesh under Section 85(3) is final.

In Tamil Nadu, decisions by the Joint Commissioner of Endowments are final under Section 79A (3). Under the 1995 Waqf Act, the high court itself can transfer a case to itself, and any aggrieved party also has the right to challenge a tribunal’s decisions in the high court.

[...]

Also, while Hindu endowments are governed by state acts, a central law has governed *auqaf* since 1954 even though land is a state subject. The new Bill denies states even the power to frame waqf rules.

A false narrative has been created that the Waqf Board can simply declare any property as waqf. Nothing can be farther from the truth

Finally, we come to family waqf. Islam considers anything spent on one’s family the best expenditure. Family waqf has been used to overcome problems of Islamic inheritance laws such as allowing grandfathers to make a waqf of a third of their property in favour of orphaned grandchildren. Several Muslim countries abolished family waqf or restricted

it to just two generations. Had the Waqf Bill abolished family waqf or restricted it to two generations, it would have been a big-ticket reform. Instead, the Bill proposes that family waqf shall not result in denial of inheritance rights to heirs, including women heirs. This is welcome to the extent that a Muslim can now create a family waqf for only a third of his property if he is excluding his heirs and he cannot altogether exclude female heirs. But the problem is that if he gives even a token benefit to female heirs, much less than they are otherwise entitled to under Muslim laws of inheritance, such a family waqf would still be valid.

The other problem again is that similar restrictions do not exist on the testamentary powers of non-Muslims. A Hindu, for instance, under the Hindu Succession Act, 1955, can give away his entire property to a son to the exclusion of other heirs, including female heirs.

Waqf is an integral part of a Muslim’s life and, therefore, part of his freedom of religion. The entire institution of waqf cannot be made vulnerable due to the corruption and mismanagement of some managers. Is there no corruption in the government itself? ■

FAIZAN MUSTAFA is a constitutional law expert. The views expressed are personal. A longer version of this piece originally appeared in Frontline



1
TELANGANA
RISING

TELANGANA RISING WITH WOMEN-CENTRIC SCHEMES



MAHALAKSHMI
Free bus rides for women as assured | Rs. 3,710.22 crores subsidy by government | 7292 buses provided | Gas cylinder at Rs.500 | 43 lakh women beneficiaries | 1,41,76,222 cylinders distributed at subsidised cost and expenditure of Rs. 394.13 crores



INDIRA MAHILA SHAKTHI launched on March 12, 2024.
Rs. 1 lakh crore loans to be disbursed in 5 years to women to empower their growth | Mahila Shakti Canteens and Mahila Shakti Groups to be launched across the state.



GRUHA JYOTI
200 units free power to every household | 49,54,834 lakh families have benefitted | Rs 1,336 crores subsidy provided by Government till November 2024



INDIRAMMA INDLU
Implemented in 119 constituencies | 3,500 houses will be distributed every year and 20 lakh homes in 5 years | 4,50,000 houses will be distributed this financial year at an expenditure of Rs. 22,500 crores



Defending its ideals amidst erosion

If we truly care for our constitutional values, it must show in our actions, not merely in rhetoric

Ravindra Garimella and
Amal Chandra

As India commemorates the 75th anniversary of the adoption of its Constitution, this is an ideal moment to reflect on its ideology. The Constitution, adopted on 26 November 1949 and enacted on 26 January 1950, forms the foundation of India's democratic ethos, enshrining ideals of justice, liberty, equality, and fraternity in the Preamble—a vision crafted by the 284 members of the Constituent Assembly. This commitment was articulated in a solemn midnight pledge taken by the Assembly on 14 August 1947, during which Pandit Nehru, in his iconic 'tryst with destiny' speech, called upon members to dedicate themselves "to the service of India and her people" and to ensure that India would "attain her rightful and honoured place in the world" while promoting "peace and welfare for all humanity".

The Constitution was a bold and progressive blueprint for post-colonial India, designed not only as a legal document but as a moral guide to ensure equal rights and opportunities for all citizens.

As one of the world's longest and most detailed, it embodies India's pluralistic values and has withstood over a hundred amendments to remain relevant. However, its adaptability has raised questions about its effectiveness and fidelity to its original spirit.

Today, we must ask ourselves: have we remained true to the Constitution's principles, or have symbolic gestures overshadowed genuine adherence?

Let us reflect on Dr Ambedkar's words: "Whoever good a Constitution may be, if those who are implementing it are not good, it will prove to be bad. However bad a Constitution may be, if those implementing it are good, it will prove to be good."

Justice and liberty in crisis

India's Constitution enshrines "justice—social, economic, and political" as a cornerstone, but economic inequality persists, with the richest 10 per cent controlling over 77 per cent of our national wealth. Between 2018 and 2022, India saw the emergence of 70 new millionaires daily, while billionaires' fortunes grew nearly tenfold.

Social justice remains elusive, as Dalits, Adivasis and marginalised groups face systemic discrimination and violence, despite constitutional safeguards. Liberty, a fundamental constitutional tenet, is increasingly compromised, as restrictions on freedom of expression, the press and dissent intensify.

India's rank in the 2024 World Press

Freedom Index has fallen to 159 out of 180. This erosion of rights, masked by performative patriotism—where overt displays of loyalty such as renaming streets and invoking the Constitution in rhetoric—conceal actions that undermine the nation's founding ideals.

Equality in theory, but not in practice

The Constitution's commitment to equality is clear and unequivocal, yet the persistent economic and social disparities continue to undermine this vision. Article 15 prohibits discrimination based on religion, race, caste, sex or place of birth, laying a strong foundation for an inclusive society. However, gender inequality remains deeply entrenched, with women markedly underrepresented in both political and economic arenas.

Despite making up nearly half of India's population, women are underrepresented in Parliament. The recently passed Women's Reservation Bill aims to address this imbalance, but its effectiveness in fostering genuine change remains uncertain.

Moreover, statements of political leaders downplaying the existence of patriarchy reflect a troubling denial of the structural barriers women face.

Moreover, caste-based inequality endures despite legal frameworks aimed at its eradication. Dalits and other marginalised communities continue to face systemic exclusion from education, employment and social opportunities, with discrimination persisting in both urban and rural contexts.

Without sustained and comprehensive efforts to rectify these disparities, the constitutional guarantee of equality risks remaining an unachieved ideal.

The erosion of 'secularism' and 'fraternity'

A defining challenge in contemporary India is the systematic undermining of secularism, a core principle that forms the bedrock of the Constitution. The framers envisioned a state that respects all religions equally, embodying Jawaharlal Nehru's idea of a "neutral, democratic state".

However, communal polarisation, religious intolerance and exclusionary rhetoric have led to the alienation of religious minorities, particularly Muslims. The trend of religious majoritarianism has fuelled marginalisation, directly challenging the concept of fraternity, which calls for unity and brotherhood among India's diverse communities.

Fraternity, enshrined in the Preamble, is central to India's national identity; however, caste conflicts, regional tensions, and escalating communal divisions

Photo: Wikimedia Commons



Jawaharlal Nehru signing the Indian Constitution, 1950

threaten to erode this foundational spirit. As Hindu identity is increasingly conflated with Indian identity, the very fabric of national unity and integrity is put at risk.

To safeguard both secularism and fraternity, a concerted effort is required from both the government and the citizenry—through policies and societal commitment to fostering tolerance, empathy and inclusivity—bridging the deepening divides that threaten the nation's core values.

Safeguarding constitutional morality in governance

Constitutional morality, as Babasaheb Ambedkar emphasised, entails adherence to the core principles of the Constitution in governance. However, India has seen a rise in populism and majoritarianism today, with elected leaders straying from these ideals.

The Constitution envisions checks and balances, with Parliament being central to lawmaking and oversight. Yet, under the current regime, key legislations are passed with minimal debate and ordinances bypass democratic processes, eroding representative democracy. The judiciary

also faces challenges, with case backlogs and threats to its independence.

Additionally, while the Constitution grants rights, citizens often overlook their fundamental duties, weakening civic responsibility and the democratic fabric. A culture of constitutional literacy is crucial to align actions with its principles.

Rekindling the Constitutional spirit

On Constitution Day, it is pertinent to remember that the strength of a constitution lies not merely in its words but in the commitment of its people to uphold its spirit. The challenges facing Indian democracy are substantial, but they are not insurmountable.

The Constitution, after all, was designed to be a living document, capable of adaptation to meet the evolving needs of society. However, these reforms should not compromise its core values. The tendencies of performative patriotism in the country extend to systematically suppressing dissent and casting criticism as disloyalty.

In a democracy, dissent is a fundamental right, yet activists, journalists and academics are increasingly targeted with sedition and UAPA charges for challenging the government. Labeling critics as 'anti-

national' twists the Constitution's vision, which protects freedom of speech as essential to accountability and democratic participation.

India's Constitution Day should serve as a reminder that the responsibility to uphold constitutional values rests with each one of us. For India to truly live up to its identity as a democratic republic, all stakeholders—from lawmakers and judiciary to ordinary citizens—must actively work to bridge the gap between constitutional ideals and the realities of everyday governance.

Now, 75 years since its enactment, the Constitution remains India's greatest achievement and its most powerful tool for social transformation.

As we reflect on its legacy, let us renew our pledge to honour its values—not merely in rhetoric, but through action. Only then can we hope to fulfil the aspirations of those who drafted this remarkable document and to continue building a nation that truly embodies the ideals enshrined within it. ■

RAVINDRA GARIMELLA is an author and expert in parliamentary affairs and served as a joint secretary in the Lok Sabha Secretariat. AMAL CHANDRA is an author, political analyst and columnist

Visiting London? Leave your phone at home

Visitors to London beware. It has just been declared the phone-snatching capital of Europe. Anecdotal evidence suggests that nowhere in London is safe, and that owners of new iPhone models are particularly vulnerable.

'Smartphones have been reported stolen from gym lockers, churches, handbags and pockets at nail salons, in parks and while shoppers browse supermarkets,' the *Times* reported, quoting police sources.

Phones have also been snatched after victims have dozed off on public transport or alighted at their destination, according to police data.

Reza Karimi, whose new iPhone was snatched while waiting to cross the road in London, said: "I've been to several European cities and while I don't feel unsafe, I'm probably more aware of my surroundings here. London feels like the hub of this type of crime. We're trying to get the economy going but how will we encourage tourists to visit London when people are doing these kinds of things?"

Well, don't say you weren't warned.

Britain has a new national drink

It's official. Brits have gone off tea. And guess what have they ditched it for? Good old G&T (gin and tonic) which, like tea, is a quintessentially British drink that lost its popularity somewhere along the way.

Old habits, however, die hard, and so it's back.

In a recent survey, more than 2,000 Britons were asked what they preferred to



Hasan Suroor

have when they met friends. G&T won the day by a slim majority—44 per cent against the 41 per cent who still preferred tea.

The remaining 15 per cent were undecided and unable to choose one over the other.

For *teawallahs*, the writing on the wall has been clear for a while with tea sales flagging and gin rising.

Britain remains the world's biggest market for gin with sales last year reaching £750,000,000. According to recent figures, sales figures of everyday black tea (as against the herbal variety), such as PG Tips and Yorkshire tea, fell 6 per cent in 2022 to £341 million.

A further eight per cent fall in coming years is anticipated.

David Zanardo, of Bacardi UK & Ireland, described gin and tonic as Britain's new 'national drink'.

Cheers.

When names rhyme, slogans chime

What's in a name? Ask British Prime Minister Keir Starmer who must be wishing his parents had given him a name which didn't rhyme so easily and so well.

'Starmer: Farmer Harmer' declared placards carried by Britain's farmers last week, protesting his government's decision to impose inheritance tax on farm assets worth one million pounds.

Earlier, critics of his policing policy called him 'Two-Tier Keir' for allegedly advocating double standards.

One commentator wrote that he was

hard put to recall if any prime minister 'has had the misfortune of more words rhyming with his name'.

Tony Blair's name was reordered into 'B-liar' for lying about the threat from Saddam Hussain and using it to justify the invasion of Iraq.

The most memorable name, though, remains: "Thatcher, Thatcher, Milk Snatcher" in 1971, referring to Margaret Thatcher's decision to stop schools from giving free milk to poorer schoolchildren.



Heard of 'demisexuality'?

No, it has nothing to do with one's partiality for one sex or another.

It simply means hooking up with someone you have "a really close emotional bond" with, as Britain's culture pundit Charlie Gowans-Eglinton put it.

The term, coined by Australian singer Tulisa Contostavlos, has gone mainstream.

Taking part in a TV show, she said: "I feel like I'm a bit demisexual, I need to have a really close emotional bond built with someone. I need meaning and I need real depth. I'm a slow, slow burner."

Well, there you are.

And, finally, a letter in the *Times* tells us how British architect Edward Maufe once greeted his hostess at a party some-what brusquely, "Good evening, I'm Maufe." To which she replied, rather icily: "So sorry that you have to leave so early." ■

— STATE IN FOCUS/ JHARKHAND —



Taking legal steps to realise Rs 1.36 lakh cr dues from Centre



SOON AFTER taking oath as the chief minister of Jharkhand, Hemant Soren announced that his government would take legal action to realise its Rs 1.36 lakh crore coal dues from the Centre.

Soren took oath as the chief minister on Thursday, 28 November.

"Legal action will be initiated to realise Rs 1.36 lakh crore of the state pending with the Centre," Soren told the media while briefing the decisions of the maiden cabinet meeting of his present government.

The announcement came barely 25 days after he requested the Centre "with folded hands" to clear the coal dues to the state.

CHIEF MINISTER HEMANT SOREN's first official meeting after his re-election was with PM Modi in Delhi on 26 November, where they discussed state matters and

Soren invited PM to his swearing-in ceremony.

On 2 November, the chief minister had posted on X: "The PM and the [Union] home minister are coming to Jharkhand. I once again request them with folded hands to clear the outstanding (coal dues) of Rs 1.36 lakh crore to Jharkhandis. This amount is crucial for Jharkhand." "I would also appeal to my BJP colleagues, especially the MPs, to help Jharkhandis in getting our dues," Soren had posted, sharing a copy of a letter to the prime minister.

Soren emphasised that the dues with central PSUs, like Coal India, are rightful to the state and asserted that "non-clearance is causing irreparable harm to Jharkhand's development".

A recent ruling by a nine-judge Supreme Court bench affirmed the state's right to collect its mining and royalty dues. ♦

The Skydeck will be constructed on the Nandi Infrastructure Corridor Enterprises popularly known by its acronym NICE Road on the outskirts of the Bengaluru city. The project includes plans to connect the Skydeck to the metro rail, ensuring easy access for tourists. The tower is expected to feature world-class facilities, although specific details about additional amenities have not yet been confirmed.

Bengaluru to get India's tallest skydeck to enhance its tourism appeal

The Congress government in Karnataka has announced a series of infrastructure projects aimed at enhancing Bengaluru's development and tourism appeal. In an important announcement, the Cabinet has approved the construction of a sky deck after it approved an underground tunnel, among other initiatives. The Cabinet has recently approved the construction of South Asia's tallest Skydeck in Bengaluru, an ambitious project aimed at enhancing the city's infrastructure and tourism appeal. The Skydeck will offer a 360-degree view of the city. The proposed Skydeck once completed will stand at approximately 250 meters high, making it the tallest structure in South Asia. For comparison, the Qutub Minar in Delhi, one of India's most famous monuments, is 73 meters tall. The Karnataka Cabinet, led by chief minister Siddaramaiah has decided to build a sky deck at an estimated cost of Rs 500 crore. The project is part of a broader plan to improve the city's infrastructure. After the cabinet meeting,



Law and Parliamenatary affairs minister H K Patil stated that state government decided to build a sky deck at the estimated cost of Rs 500 crores. The Skydeck will be constructed on the Nandi

tourists. The tower is expected to feature world-class facilities, although specific details about additional amenities have not yet been confirmed. The sky deck project requires approximately 25 acres of land. Deputy Chief Minister and Bengaluru Development Minister D. K. Shivakumar mentioned that land near Kommaghatta and the Bengaluru University campus was initially considered but later dismissed due to concerns about its impact on students. "We had shortlisted about 10 places for this project, but the Ministry of Aviation had reservations about those due to Skydeck's height. All elected representatives from Bengaluru, including Leader of Opposition R Ashoka, have agreed to the NICE Road location," Shivakuamr told reporters revealing his plans. Deputy chief minister D. K. who returned to Bengaluru from

a week-long personal trip to the US couple of weeks ago, was effusive in his praise for New York's The Edge, one of the largest outdoor observation decks in the world, and hoped to replicate a similar project in Bengaluru. Long before his trip to the US, Shivakumar had proposed building South Asia's tallest sky deck in Bengaluru, a plan that was approved by the state



cabinet. In his series of tweets, Shivakumar termed it as "An unforgettable experience visiting the SkyDeck in New York! Apart from the stunning views, what really inspired me was learning how it was all brought to life. Had the opportunity to chat with the brilliant minds behind the project, and a special shoutout to Mr Babu Killar, a fellow Kannadiga and structural engineer working in New York, for gifting me the SkyDeck book. I'm taking home a lot of inspiration and ideas." Shivakumar while sharing pictures of the infrastructural wonder also revealed he also spoke with architect Kenneth Drucker from the global design firm HOK. Drucker, known for his work on architectural marvels such as the World Trade Centre in New York, Shanghai Tower in China, and Burj Khalifa in Dubai, provided insights into modern design and construction. "If modern technology is combined with strong thoughts, the sky deck may bring a new definition to the Bengaluru skyline as well as improve the quality of urban development," Shivakumar wrote on X.

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The Skydeck project design inspired by banyan tree

The structure will be constructed using energy-efficient standards. The top section will have a wing catcher that rotates to face the wind direction, solar panels on the roller-coaster deck to generate energy, and algorithmic base structures that allow ample airflow. Once completed, the skydeck will offer various entertainment and recreational facilities.

The Skydeck concept has been designed by Austria-based firm Coop Himmelb(l)au, renowned for their work on notable constructions such as the Musee des Confluences in France and the European Central Bank in Germany. They collaborated with the World Design Organisation in Bengaluru for this project. The design of the Skydeck draws inspiration from the intricate algorithms that govern the growth of the banyan tree, with its sprawling branches, hanging roots, and blooming flowers. Divided into three parts - the base, trunk, and blossom - the 250-meter tall structure aims to create a sense of immersion in nature for visitors. The base represents the historical significance of the place and the city, while the trunk symbolizes the journey, reminiscent of the growth of the banyan tree. The top part, the blossom, will resemble a beacon inspired by a blooming flower. The structure will be constructed using energy-efficient standards. The top section will have a wing catcher that rotates to face the wind direction, solar panels on the roller-coaster deck to generate energy, and algorithmic base structures that allow ample airflow. Once completed, the skydeck will offer various entertainment and recreational facilities. The base will feature amenities such as shopping passages, restaurants, a theater, and a sky garden. The top section will include a roller-coaster station, exhibition hall, sky lobby, skydeck for panoramic views, a restaurant and bar, and a VIP area. During a presentation, the company stated, "The skywalk and the roller-coaster are engineering marvels, suspended midair on a delicate network of tension cables extending from the tower's core, defying gravity..."

World's top 10 sky decks

Once the Bengaluru skydeck project is completed, it will be listed on par with World's top sky decks.

1. Eiffel Tower, Paris, France

Visiting the Eiffel Tower's main observation deck on the second floor gives you iconic views of Paris with binoculars and plenty of space. Go to the top floor, and you'll see even farther, standing at the tallest point in Paris. However, the second-floor views are generally clearer — you can spot landmarks like the Louvre Museum, Grand Palais, Arc de Triomphe, and Notre-Dame Cathedral and see as far as La Défense, the Sacré-Coeur Basilica perched on a hilltop in Montmartre.



natural wonders is a feeling you'll never forget, and the views that extend out in front of you are just as impressive. 4. Tokyo Skytree, Tokyo, Japan Tokyo's spectacular Skytree towers 634 meters above Japan's capital city — the world's tallest tower and third-tallest structure. The Tembo Deck, at 350 meters, and the Tembo Galleria, at 450 meters, both provide unparalleled views of Tokyo's sprawl. On clear days, you'll see Mount Fuji in the distance. At night, the city lights are mesmerizing. 5. Burj Khalifa, Dubai, UAE You can't talk about observation decks without mentioning the Burj Khalifa, the tallest building in the world and the most unmissable landmark in Dubai. At a staggering 828 meters, or 2,720 feet, this architectural marvel at the heart of Dubai boasts views of the desert on one side and the Arabian Gulf on the other. The indoor and outdoor views from the 124th, 125th, and 148th floors are incredible. Look straight down to see the stunning Dubai Fountain.



2. Skydeck Chicago, Chicago, USA On the 103rd floor of the Willis Tower, Skydeck Chicago thrills with its glass box, The Ledge, jutting out from the building — a solid Instagram opportunity. As well as the best across Chicago, those clear boxes give you a clear view straight down, so nerves of steel are required to stand on the 1.5-inch-thick glass. You can see four states on a clear day, and the view of Lake Michigan is pretty breathtaking.

3. Grand Canyon Skywalk, Arizona, USA Prefer natural landscapes to cityscapes? Then, the Grand Canyon Skywalk is unbeatable. This glass bridge extends 70 feet out over the rim of the Grand Canyon for a dizzying view 4,000 feet down to the Colorado River. Like walking on air, walking above one of the world's most stunning

6. Sphinx Observatory, Jungfrauoch, Switzerland Nicknamed the "Top of Europe," Jungfrauoch — specifically the Sphinx Observatory, named after the summit on which it is perched — is a unique observation platform in the Swiss Alps. At 3,454 meters above sea level and accessible by a cogwheel train up the Alpine slopes, it's likely to be one of the most scenic train

journeys you'll ever take. When you arrive, you'll have a stunning vista of the Aletsch Glacier, Europe's longest glacier, and the surrounding snow-capped peaks of the majestic Alps. 7. Edge, New York City, USA More than a few observation decks give spectacular views of New York, like Top of the Rock and One World Observatory, but Edge is probably the most exciting. Its 100th-floor outdoor observation deck is the highest in New York City and the entire Western Hemisphere. The glass floor and angled glass walls at Edge give a thrilling perspective of the city streets below and across the city to Central Park, the Hudson, and iconic NYC landmarks. If you want extra kicks, you can hang off the edge of the 102nd floor with the City Climb experience.

8. Sky Garden, London, UK Sky Garden is a lush indoor garden at the top of the Walkie-Talkie, officially known as 20 Fenchurch Street, in the UK capital. This public space provides 360-degree views of London from its outdoor terrace, including landmarks like the Tower of London, St. Paul's Cathedral, and the Shard — another fantastic observation platform if you want to be at London's tallest point. Entry to the Sky Garden is free, though you should book a Sky Garden time slot in advance. Reserve a table at its restaurants and bars if you want to make a day or night of it.



9. Sky Tower, Auckland, New Zealand New Zealand's Sky Tower stands 328 meters over Auckland, five meters taller than Oceania's tallest building, the Q1 Tower on Australia's Gold Coast. Its three viewing platforms and revolving restaurant offer gorgeous 360-degree views of the city and its stunning harbors. Still, daredevils won't be able to resist the SkyWalk, where you can walk around the tower's pergola, and the SkyJump, a thrilling base jump experience.

10. Shanghai Tower, Shanghai, China Measured from the ground up, Shanghai Tower's observation deck is the highest in the world. Located on the 118th and 119th floors of China's tallest building, the swirling skyscraper also — in 2024 at least — boasts the world's fastest elevator, taking you to the top in 55 seconds. From this vantage point at 1,844 feet, 21 more than the Burj Khalifa's tallest viewing platform, you can see the entire Shanghai metropolis. The cityscape, punctuated by the futuristic Oriental Pearl Tower and the historic Bund, makes for an incredible contrast.





SWEARING-IN CEREMONY OF ABUA SARKAR

28th November 2024, 4 PM Onwards
Morhabadi Ground, Ranchi

All are cordially invited

—❧— **Johar** —❧—

In the recent assembly elections, the people of Jharkhand delivered a historic, extraordinary and unforgettable message of unity in diversity for building a thriving Jharkhand. To fulfill the vision of our valiant forefathers and the aspirations of the people, Abua Sarkar (Our Government) will work with full sensitivity and renewed energy.

Heartfelt thanks to all of you, Johar!



Hemant Soren
Chief Minister of Jharkhand