



CURRENT AFFAIRS



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SC no to Ganesh puja at Bengaluru Idgah ground, HC allows it in Hubli

Preliminary Examination:

Indian Polity and Governance-Constitution, Political System, Panchayati Raj, Public Policy, Rights Issues, etc.

Mains Examination:

General Studies I: Communalism, Regionalism & Secularism.

General Studies II: Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

Why is it in the news?



The Supreme court of India didn't permit the celebration of Ganesh Chaturthi at the Idgah Ground in Bengaluru.

At the same time, the Dharwad bench of the Karnataka high court, declined the stay order of the Hubli Mayor, allowing the celebration at Idgah maidan in Hubli.

What is an idgah?

Idgah is a term used in south Asian Islamic culture to refer to an open-air enclosure, usually outside the city. The land is reserved for eid prayers, offered in the morning of eid-al -Fitr and eid -al- adha

These reserved lands are usually not used for daily prayers at other times of the year.

Idgah Maidan in Bangalore is 2.1 acres of land in the heart of Chamrajpet, one of the oldest localities of Bengaluru.

The ground is used as a playground, with an Idgah for prayers on the festivals of Eid al-Fitr and Eid al-Adha.

The map of Bengaluru and documents from 1871 and 1938 also state that the land has an Idgah and burial ground.

What are the controversies?

- The particular land was secured by the Hubli Municipality in the early years of the 20th century.
- In 1921, the Anjuman-e-Islam petitioned the municipality to authorities the Muslim community to hold prayers in the maidan.
- The municipality accepted the representation, and the land was leased to the Anjuman for 999 years. The lease agreement was subsequently confirmed by the then government of the Bombay Presidency.
- But recently, the revenue minister of Karnataka R. Ashoka, stated that “The land, which is referred to by different names by people, actually belongs to the revenue department. The revenue records show that it does not belong to the Bruhat Bengaluru Mahanagara Palike (BBMP) or any ‘Board”.



What is Anjuman-e-Islam?

Dr. Badruddin Tyabji, 1st acting chief justice of Bombay High court and, the 3rd president of the Indian national congress was the founder of the Anjuman –I-Islam, he founded this educational and social organization in India in 1874, with a vision of providing better educational and social opportunities to the Muslim community.

What Anjuman-e-Islam and 999 years lease agreement?

- The government permitted the Anjuman-e-Islam, in the 1960s to construct a commercial building on the land, under some specified terms and conditions.
- In 1972, the Anjuman-e-Islam tried to execute the commercial plan under the guidelines given by the government, and subsequently, a structure was erected,
- But there came legal challenges to The Anuman-e-Islam’s executions of the permissions from the government, stating, that the lease agreement does not include any construction work, and the matter went through many decades of litigation.
- In the supreme court in 2010, Court confirmed the order of the Karnataka High Court and the lower courts, ruling that the Idgah maidan was the exclusive property of the Hubli-Dharwad Municipal Corporation and that the Anjuman had the license only to hold prayers on the ground twice a year, and not to build any permanent structure on it.

The current situation

Recently The High Court has seen that the Idgah maidan in Hubballi actually belongs to the Hubballi Dharwad Municipal Corporation and that the land has been leased for 999 years to the Anjuman-i-Islam, is true.

So the High court has declared that HDMC has all the rights over the use of land.

What is a Wakf property?

The Wakf Act defines Wakf as a permanent dedication by a person professing Islam, of any movable or immovable property for any purpose recognized by Muslim law as pious, religious, or charitable.

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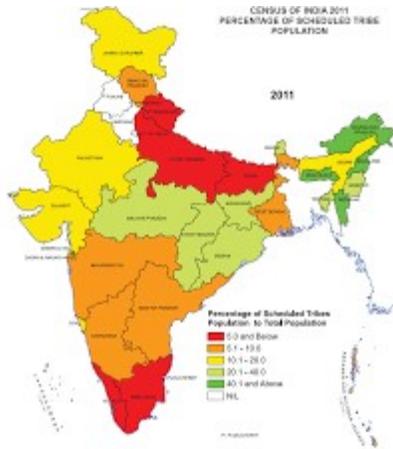
Cabinet approves addition of 4 tribes to ST list

Context

The Union Cabinet approved the addition of 4 tribes from Himachal Pradesh, Tamil Nadu, and Chhattisgarh to the Scheduled Tribe list. These include **Hatti tribe of Himachal Pradesh, Binjhia tribe of Chhattisgarh, and Narikoravan and Kurivikkaran hill tribes of Tamil Nadu**. The move is in continuation of **Constitution (Scheduled Tribes) Order (Amendment) Bill 2022** which was earlier passed by the Parliament to amend the Constitution (Scheduled Tribes) Order, 1950 for the inclusion of certain communities in the list of Scheduled Tribes in relation to the State of Tripura.

What are Scheduled Tribes (STs)?

Due to the **social, economic and educational backwardness and exclusion** of certain communities in India, the framers of the Constitution recognized the need to grant these communities special consideration for safeguarding their interests and for their accelerated socio-economic development. These communities were notified as Scheduled Tribes as per provisions contained in **Article 342** of the Constitution of India. **As per Census 2011**, the ST population in the country is **104 million** which accounts for **8.6%** of the nation's total population.



Criteria to be identified as ST

Government of India has adopted the following five criteria to identify a community as a Scheduled Tribe:

- (i) indications of primitive traits,
- (ii) distinctive culture,
- (iii) geographical isolation,
- (iv) shyness of contact with the community at large, and
- (v) backwardness

How are STs notified?

According to the Constitution of India, under **Article 342(1)**, The **President of India**, may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union territory.

However, under **Article 342(2)**, the **Parliament of India** by law can include or exclude the above-mentioned groups from the list of Scheduled Tribes specified in a notification issued under clause(1)

Based on Article 342, Parliament enacted **The Constitution (Scheduled Tribe) Order, 1950** which contains a list of tribes designated as Scheduled Tribes.

National Commission of Scheduled Tribes (NCST)

The National Commission of Scheduled Tribes (NCST) is a **constitutional body** formed through the **89th Constitution Amendment Act, 2003** by insertion of **Article 338A** in the Constitution. It essentially works to protect and promote interests and welfare of STs by monitoring safeguards for them, inquiring into complaints of deprivation of rights of STs and making recommendations for their socio-economic development. Additionally, it also presents annual report to the President upon working of safeguards for STs.

Issues faced by STs

Land alienation: STs were traditionally land holders. Due to fast paced development and stringent laws, their land has been taken away for industrial and mining purposes. They have also been ousted due to laws regulating wildlife sanctuaries and reserve forests

Loss of community forest rights: The Tribals rely on minor forest produce for their sustenance, fuel, fodder and livelihood. British rule led to them losing these rights.

Poverty and exploitation: They do not possess employment opportunities and often live in poverty and indebtedness. Due to their seclusion, they are often exploited and forced into bonded labor or trafficking.

Low level of Health and Nutrition: There is a high infant mortality rate and low levels of life expectancy among STs and prevalence of disease burden like anemia, malaria, cholera, tuberculosis, etc due to poor nutrition.

Loss of identity: The modern institutions and laws are different from the traditional laws and lifestyle of tribal. There is also extinction of their language and dialect in some cases which all culminates to feelings of alienation and loss of identity.

Way Forward:

There needs to be understanding and respect of tribal culture and practices and promote them. Economic development should not exclude tribal population and it should not be at the cost of uprooting them. Various constitutional and legal safeguards in the form of insertion of 5th and 6th Schedule in the Constitution, creation of Tribal Advisory Council, the Forest

Rights Act (FRA), 2006 which recognizes the rights of the forest dwelling tribal communities and other traditional forest dwellers to forest resources, Pradhan Mantri Van Dhan Yojana (PMVDY), etc go a long way in promoting their welfare.

Saumya Khedwal

