



Daily Mains Answer Discussion (Punjab PCS) (Day - 8)

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1. According to the UN, it is estimated that around 70 percent of Indian women in their lifetime have experienced violence in one form or another, what are the various types of violence that a woman faces in her lifetime and also discuss, Governmental and societal initiatives taken in order to address this inhuman scenario.

Structure

- Introduction - Relevant data or facts related to violence against women in India.
- Body - Discuss about the various types of violence that women face during their lifetime.
- Conclusion - Write about the various Governmental and societal initiatives that have been taken along with what more needs to be done in order to improve the situation.

Answer

- The problem of crime against women is not new. Women in Indian society has been victims of humiliation, torture and exploitation for as long as we have written records of social organisation and family life. According to latest statistics as released by National Crime Records Bureau shows that nationwide crimes against women in our country have increased by 7.1 percent since 2010 and these crimes against the women can be categorised as
 - Criminal Violence such as rape, abduction, murder etc. such Nirbhaya case of Delhi and according to NCRB, an average of 92 women are raped in India every day.
 - Domestic Violence such as dowry deaths, wife battering, sexual abuse, maltreatment of widows/elderly women etc.
 - Sexual Violence such as forcing the wife/daughter-in-law to go for female foeticide, refusing to give a share to women in property, forcing a young widow to commit sati, harassing the daughter-in-law to bring more dowry etc.
- Other than this physical violence is not the only form, being denied land rights, being denied proper schooling and health facilities, are other forms of invisible violence that women of India have to face in their life.

In order to improve the above situation, Government and Society has undertaken various initiatives such as –

- Constitutional Safeguards –
 - Fundamental Rights - Right to Equality (Article 14), No discrimination by state on the basis of gender (Article 15 (1)) and special provisions to be made by the state in favour of women (Article 15(3))
 - Fundamental Duties - Ensures that practices derogatory to the dignity of women are prohibited under Article 51(A).
- Legislative Framework –
 - Protection of Women from Domestic Violence Act, 2005.
 - The Dowry Prohibition Act, 1961.
 - The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
 - The Protection of Children from Sexual Offences (POSCO), 2012.
- Societal Initiatives –
 - Initiatives such as Nari Adalat and Sahara Sangh Initiatives have been organised by Department of Education.

- Mahila Samkhya Program has been carried out as a concrete programme for education and empowerment of women in rural areas, particularly of women from socially and economically marginalised group.
- Salishe, a traditional method is being utilised by the NGO Shramajibee Mahila Samiti in West Bengal.
- ICRW conducted a television program in four channels entitled "Bol" to create awareness among women.
- Today the real need of the hour is to provide the missing respect and empowerment that every woman out there deserves by shedding the societal dogmas that have entrapped the potential of the women since centuries and providing them the same platform as men in every sphere of life. Triple Talaq is less of a social issue than a political one. Do you agree? Elaborate your perspective.

2. Triple Talaq is less of a social issue than a political one. Do you agree? Elaborate your perspective.

- The triple talaq practice allows a Muslim man to divorce his wife by saying the word 'talaq' (divorce) three times. Under the Muslim personal law this power is given to men and is a very contentious issue for women rights.
- As our Supreme Court and Indian government is trying to provide equal rights to women through various judgements and by bringing legislation on Triple Talaq, there are many sections from Muslim society which demand status quo. All India Muslim Personal Law Board (AIMPLB) is against the move of government to strike down Triple Talaq practice.

Historical background of the issue –

- Shah Bano case
 - The Issue of Triple Talaq came into public lime light for the 1st time when Supreme Court issued its verdict in Shah Bano case (1985).
 - In Mohd. Ahmed Khan v. Shan Bano Begum Case, the petitioner Shah Bano had sought maintenance from her husband Mohammad Ahmad Khan, who divorced her after 40 years of their marriage by triple Talaq and denied her regular maintenance.
 - The Supreme Court gave a verdict in favour of Shah Bano.
 - The Court also recommended that a Uniform Civil Code should be set up. But the Muslim conservatives saw it as an attempt to weaken their cultural identity.
 - Under the pressure from Muslim clerics the then Rajiv Gandhi government passed Muslim Women (Protection of Rights on Divorce) Act, 1986 to nullify the S.C ruling in Shah Bano case.
 - The act maintained that a Muslim woman has the right to maintenance for only the period of iddat (about three months) after the divorce, and thereafter shifted the onus of maintaining her to her relatives or the Wakf Board.
- Bombay High Court ruling
 - In 2002 only, the Aurangabad bench of Bombay High Court invalidated the triple talaq by giving reference from Quran in Dagdu Pathan vs Rahimbi. 4 Available on App Store and Play Store www.sleepyclasses.com Call 6280133177 T.me/SleepyClasses In this case, the court declared that a Muslim husband cannot repudiate the marriage at will and has to prove that all stages – conveying the reasons for divorce, appointment of arbitrators and conciliation proceedings between the parties were followed.
- Shayara Bano case

- The five-judge bench of Supreme Court examined the case (Shayara Bano Vs. Union of India) and declared the instant Triple Talaq as unconstitutional and directed the government to formulate a law against Triple Talaq practice.
- Though Triple Talaq is a social issue but in the recent time it became the main political issue for Muslim community and We need to look into these two aspects of this issue differently.
- Political motive behind the issue:
 - Prestige Issue for Muslim bodies –
 - The issue of Triple Talaq has become a prestige issue for AIMPLB. They don't want any government and court to interfere into their personal lives. Instead of looking it as a good step for women rights it is being seen as an attack on Muslim religion.
 - Political parties prestige-
 - The central government has reintroduced The Muslim Women (Protection of Rights on Marriage) Bill, 2019 in current session of Lok Sabha, and is keen on passing the bill. On the another hand the opposition parties are continuously opposing the bill. It has been alleged that the stand of both the sides seems to be driven by populist pressures to gain political mileage. The parties are trying to let each other down on this contentious issue.
 - Gaining Publicity on the back of Supreme Court rulings –
 - Earlier the issue of Triple Talaq was never discussed in length. This issue came to public sphere just after Supreme Court passed different rulings regarding the issue. Its matter was publicised by pro Muslim political parties and media houses to gain the favour from Muslim community.
 - Issue of Political Rights of Women –
 - Triple Talaq issue is against the Fundamental rights granted under Article 14, 19 & 21 for women. However on the other hand, it is said by many Muslim scholars that Triple Talaq is for emergency purpose and According to them Islam has given enough rights to women to save themselves and also there are cases mentioned in which men from Muslim community can choose the route of Triple Talaq. But media houses seem to be not concentrating on these positive aspects.
 - Drowning of sub-
 - alter voice because it does not represent popular media opinion - Many women from the community have accepted the fact that Triple Talaq has actually helped them to resolve the long pending issue with their husbands.
 - Issue of Reforming the Law –
 - According to many scholars there are many instances where laws of the land are misused; the solution is not to overturn the law, but to introduce social reform. Even Muslim women would be happy if some safeguards are provided to them in case of instant Talaq. They are not demanding to strike down the law.
 - Political Issue of UCC
 - Our government is trying to impose Uniform Civil Code in the country as mention under Directive Principal of State Policy (DPSP) and this ban of the use of triple talaq is being used as a step in the same direction.
 - Issue of Political Rights of Muslims:

- Muslim community is looking the interference from Supreme Court & Government as against their fundamental right of free conscience of religion guaranteed under Art 25 & 26.

Social angle of the Issue

- Gender Equality- The issue of Triple Talaq is against the fundamental of gender equality. It favours men over women and treats women as second-class citizens.
- Human Rights issue- Triple talaq is against the dignity of a woman. She is not given any choice to continue her marriage with her husband and forced to live a life of misery.
- Justice issue- Many other Muslim majority countries have already stopped the practice of triple talaq to deliver equal justice to women. India must follow this step to deliver justice to women from Muslim community.
- Women dignity- Triple Talaq practice lowers the dignity of women by leaving them on the mercy of their husband.
- Mental trauma for women- Triple Talaq practice is a mental trauma for the women from Muslim community due to lack of any set rules to be followed during divorce. The power with men to give instant divorce to their wives cause the women from this community to remain under mental pressure all the time.

Conclusion

- Though Triple Talaq issue is an internal issue of Muslim faith but it is of great importance for the women from all strata of Indian society. There must be equality between men & women in society. All the women must be respected and given chance to decide about their life.
- It has been argued by the Supreme Court that the practice of Triple Talaq is not the core feature of Muslim faith which can't be altered.
- A lot of Muslim majority countries like Iran, Saudi Arabia etc. have stopped this practice than a secular country like India, with constitutional values of giving greater primacy to women can definitely take a lead in this regard and going for relevant reforms.

3.The Act of 1858 laid the ground work and framework for the change of Imperialism to colonialism, Similarly recent amendments to the Constitution, has disrupted the working system of our decades old Constitutional Framework in India. Comment.

Structure

- Introduction - Give the context of what were the conditions before the Act of 1858.
- Body 1 - Why the Act of 1858 was brought, what were its features that transformed India from Imperialist to a colonist state.
- Body 2 - list various amendments in the recent past that have disrupted the principle of constitution.
- Conclusion - what should be done.

Answer

- Prior to Act of 1858, the EIC was in control of territories in India, fulfilling the imperialist tendencies but 1858 Act also known as the Act for the Good Governance in India transferred the powers of the government, territories and revenues to the British Crown, thereby bringing in colonialism.
- The British crown gained sovereignty over India. The Act formalised absolute imperial control and ended the system of double Government by abolishing Board of Control and Court of Directors, It created a new office, Secretary of State for India with a 15 member Council vested with complete authority and control over Indian administration.

- The administration was not just unitary but rigidly centralised, with provincial governments functioning under the direct superintendence, direction and control of Governor General.
- All authority - civil, military and legislative and executive were vested in the Governor General in Council who was responsible to the Secretary of State in India.
- The entire machinery was bureaucratic, totally unconcerned by the public opinion in India.
- Like the Act of 1858 changed the fate of India from imperialism to colonialism, similarly there has been several amendments in the recent past which have disrupted the shackles of the constitution in one way or the other –
 - Citizenship Amendment Act disrupted the constitution by challenging the ideals of equality. Law and order was disturbed with many parts of country facing the heat in the form of riots.
 - Recently introduced Agricultural bills distorted the major perception that opposition has equal say in the working of democracy, with no proper parliamentary proceedings, and no referral to Parliamentary standing committee even after repeated demands by the opposition and several farmer unions across the country.
 - Abrogation of Article 370 and the way the bill was passed in the Parliament without proper discussion and without going through the procedure as mentioned in the Constitution is a clear violation of the fundamentals of the Constitution.
 - 103 Amendment Act which grants 10% reservation to EWS (Economically Weaker Section) is in clear violation of the guidelines of the supreme court which restricts the reservation to at most 50%, thus violating the fundamental principle of checks and balances of the Constitution.
- The need of the hour is to stick with the fundamentals and the principles and to follow the due process of the Constitution, making advancements with deliberations and conciliations, in such a way that ethos of the Constitution are upheld and the democratic frame becomes more stronger than ever.