

Chapter 4: Understanding Laws

Intext Questions

Question 1: Read the following situation and answer the questions that follow :

A government official helps his son go into hiding because his son has been given a ten-year jail sentence by a District Court for a crime that he has committed.

Question : Do you think that the government official's actions were right? Should his son be exempt from the law just because his father is economically and politically powerful?

Answer :

No, the government official's actions was not right. His son should not be exempt from the law just because his father is economically and politically powerful.

Question 2:

The word 'arbitrary' has been used earlier in this book and you've read what the word means in the Glossary of Chapter 1, The word 'sedition' has been included in the Glossary of this chapter. Read the Glossary descriptions of both words and then answer the following questions :

i) State one reason why you think the Sedition Act of 1870 was arbitrary?

ii) In what ways does the Sedition Act of 1870 contradict the rule of law?

Answer :

i) According to the Sedition Act of 1870, any person protesting or criticizing the British government could be arrested without due trial. This act was arbitrary because nothing was clear under the Act. For example, which actions of the people would be considered illegal or against the British government. It was completely left on the British police officers to judge whether the action is against the British government or not.

ii) According to the rule of law, all persons are equal before the law. Any crime or violation of law has a specific punishment as well as a process through which the guilt of the person has to be established. In the case of the Sedition Act, discrimination was to be made between the Britishers and the Indians. No specific punishment was there for a crime or violation of the law and no process was there through which guilt of the person has to be established. The British Police officers could decide whether a person had done a crime or not and could punish them as they wanted. In this way, the Sedition Act of 1870 contradicts the rule of law.

Question 3: What do you understand by 'domestic violence'? List the two rights that the new law helped achieve for women who are survivors of violence.

Answer :

Domestic violence refers to the injury or harm or threat of injury or harm caused by an adult male, usually the husband, against his wife. Injury may be caused by physically beating up the woman or by emotionally abusing her. Abusing of the woman can also include verbal, sexual, and economic abuse.

Two rights that the new law helped achieve for women are:

- The right of women to live in a shared household.
- Women can get monetary relief to meet their expenses including medical costs.

Question 4: Can you list one process that was used to make more people aware of the need for this law?

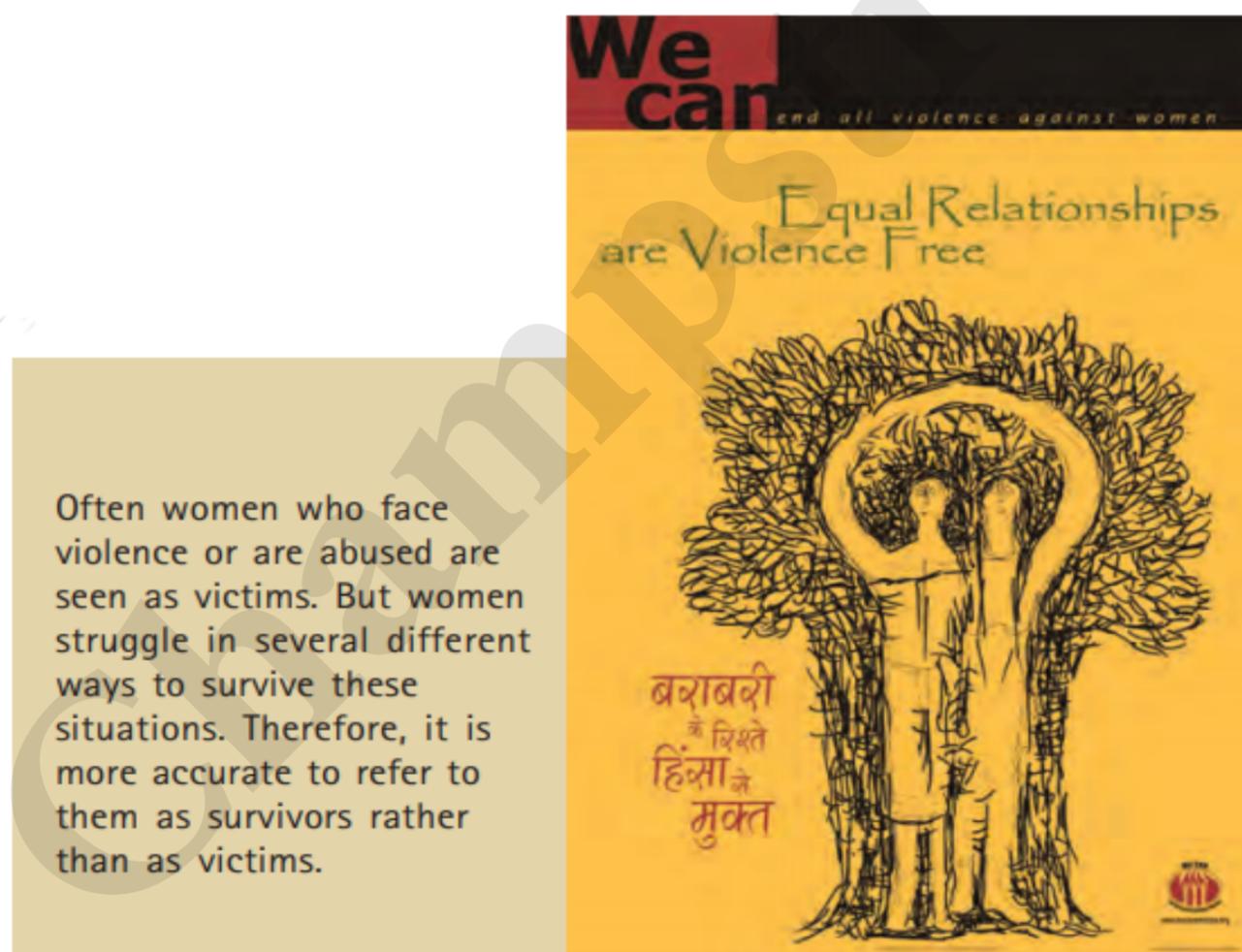
Answer : Public Hearings were organized throughout In India where testimonies were heard of several women. It was realized that women want protection against being beaten, the right to continue living in a shared household, and often for temporary relief. Thus, the need for a new law was raised in different forums. Meetings were held, and TV shows were organized to make more people aware of the need for law on Domestic Violence.

Question 5: From the above storyboard, can you list two different ways in which people lobbied Parliament?

Answer :

- Lawyers Collective, a group of lawyers, law students, and activists, after nation-wide consultation, drafted the Domestic Violence (Prevention and Protection), Bill. The draft bill was widely circulated.
- Several women's organizations, National Commission for women made submissions to the Parliamentary Standing Committee.
- In December 2002, Standing Committee submitted its recommendations to the Rajya Sabha and these were also tabled in the Lok Sabha.

Question 6: In the poster, given below what do you understand by the phrase 'Equal Relationships are Violence Free'?



Often women who face violence or are abused are seen as victims. But women struggle in several different ways to survive these situations. Therefore, it is more accurate to refer to them as survivors rather than as victims.

Answer :

- It is undoubtedly correct that Equal Relationships are Violence Free. Because in an equal relationship wife is usually not humiliated, abused, or beaten by her husband.
- Husband and wife should respect each other, discuss the family matters and equally share the responsibilities of the family. In such cases, there prevails a healthy relationship between the life partners.

Question 7: Read the newspapers/watch news on TV for a week and find out if there are any unpopular laws that people in India or around the world are currently protesting.

Answer : Recently, the Supreme Court declared certain residential as well as commercial areas as unauthorized. The government officials started the work of sealing and demolishing unauthorised buildings. It left the people jobless as well as homeless. People were compelled to leave Delhi. This law was widely protested by the people. Demonstrations took place, people gathered in front of MCD offices and even ransacked them.

Question 8: List the three forms of protest that you see in the photos given below



Answer :

- Hunger strike (Top picture of left side)
- Rally or Dharna (Lower picture of left side)
- Arrest Movement (Jail Bharo Andolan) (Right side picture)

Exercises

Question 1: Write in your own words what you understand by the term the 'rule of law'. In your response include a fictitious or real example of a violation of the rule of law.

Answer :

Law is a system of rules, usually imposed through a Government or Institution and is applied to govern a group people. It shapes politics, economics and society in numerous ways.

The most common example of a violation of the rule of law can be seen on the roads. Motorists and pedestrians do not follow the traffic rules. Motorists do not adhere to speed limits nor do they stop behind the line at traffic signals. Pedestrians rarely use the zebra crossing and cross the road at will causing harm not only to themselves but also to other road users.

Question 2: State two reasons why historians refute the claim that the British introduced the rule of law in India.

Answer : The two reasons why historians refute the claim that the British introduced the Rule of Law in India are

- Colonial law was arbitrary, e.g. Sedition Act of 1870
- Indian nationalists played a prominent role in the development of the legal sphere in British India.

Question 3: Re-read the storyboard on how a new law on domestic violence got passed. Describe in your own words the different ways in which women's groups worked to make this happen.

Answer :

Women's groups worked hard and untiringly towards the passing of the new law on domestic violence in India. They used different forums like public protests, hearings, meetings with other organizations, press conferences and petitions to the government to introduce a new reformed bill on domestic violence to include demands like monetary relief and protection against being evicted from the shared household.

While earlier, domestic violence only entailed "injury or harm or threat of injury or harm" by an adult male against a woman. The Protection of Women from Domestic Violence Act 2005 extended to include physical, economic, sexual, verbal and emotional abuse.

Question 4: Write in your own words what you understand by the following sentence on page 44-45:

Answer :

They also began fighting for greater equality and wanted to change the idea of law from a set of rules that they were forced to obey, to law as including ideas of justice.

This line refers to the protests of Indian nationalists against the violation of the rule of law by British authorities. Indians were discriminated against in their own country by the British colonists and the Sedition Act of 1870 was the most prolific example of the breach of the rule of law. This Act was demonstrated against by Indian freedom fighters in favour of a more just set of rules based on ideals of equality. Many Indians began to practice the legal profession and used it to demand and gain equal rights for all. Thus, Indians played a major role in the evolution of the rule of law during times of colonial rule.