



Impulse Newsletter

Openness to Curiosity

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Human rights under Islam and in Islamic Countries

The United Nations pin-points that the concept of Human Rights has originated in the year of 539 BC. In that era, there was a notable and historical event which was conducted by Cyrus. Cyrus and his troop had conquered the Babylon and he freed the slaves and declared that all the people have the right to choose their own religion. There are other notable events held in other parts of the world which leads to the expansion of natural law. Now we have reached 21st century where we have revolutionary changes in the concept of Human Rights.

Islamic views towards human rights

Once Abul A'la Mawdudi had said "Islam has laid down some universal fundamental rights for humanity as a whole". According to Mawdudi right to freedom and justice, right to security and right to life are the basic Islamic rights.

Following are the guaranteed human rights in Islam:

Life and property is considered as sacred. Racism is not allowed in Islam (Quran, 49:13). Islam is a religion of Justice (Quran, 4:58)

Those on whose part you fear desertion, warn them and leave them alone in a sleeping place and beat them, then they obey you don't seek a way against them; surely Allah is great, high. "(chapter 4, verse 34)

Above held statement from

Quran shows the real face of that religion against the gender equality and about the rights of women.

Islamic religious followers are also called as Muhammedans, because

From the above rights we can reach a conclusion that Islam is a religion of peace and the religion respects the individual right.

Through this article I am trying to say that the above mentioned rights are just a mask to hide the amorphous face of this religion.

Holy Quran says that, "Men should protect the women because the god Allah has created men as a superior creature and they spent from their wealth...

they are following the life of Prophet Muhammad, and the followers are obedient to his teachings. So we can look in to the life of Muhammad and let's find out the right of children. Prophet Muhammad had a chain of wives. After the death of his first wife, Khadija he married Aisha. Aisha was the youngest wife in that chain. Aisha was the daughter of Muhammad's close friend Abu Bakr. Most of the Muslim traditional sources say that Muhammad married Aisha in the age of six or seven and she



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of nine or ten. From this historical event we can understand the narrow view of Muhammad in rights of children. Other view is that Muhammad or his religion was not bothered about the rights of women and their education. Above discussed facts shows the image that Islam is not a perfect or practicable religion in these era. Unfortunately, many countries are following the Islamic religious principles to rule their country.

Human rights violations in Islamic Countries.

Generally, Muslim countries follow Sharia law. But some

Muslim countries have adopted secular law & they accepted democracy. But in the present era also there are Muslim states which are in the darkness of religious law. The above mentioned religious law gives least priority to the fundamental rights of the citizens, especially the rights of women. These religious laws consider spreading of irreligious ideas as a crime and consider the irreligious persons as a criminal. These religious laws inter-

fere in every matter of an individual from dressing to the food habits of individuals.

Attitude of Muslim country towards UDHR

The Universal Declaration of Human Rights (UDHR) is a historic document that was adopted by the United Nations General Assembly at its third session on 10 December 1948 as at the Palais de



Chaillot in Paris, France.

Unfortunately we can see that Saudi Arabia in the list of country's who had voted against UDHR. In substitute of UDHR they implemented another document called Cairo Declaration on Human Rights in Islam (CDHRI). Cairo Declaration speaks about Islamic perspective towards human rights and the drafters of this document say that Islamic Sheriya law is the only

source for Cairo Declaration on Human Rights in Islam. But in this current scenario we are not able to see any liberal attitude of Muslim country towards human rights.

Assassination of Jamal Khashoggi can be noted as a better but bitter example of human rights violation, the absence of democratic nature of the law and the arrogant and the autocratic nature of the ruler. There are more examples like non acceptance of Gay Rights, restrictions on individual freedom of speech and political opinion, the issue of women's rights etc.

The rulers and the Muslim religion still argue that Islam and its followers are only facilitating to bring peace. But facts and events shows the real amorphous face of that religion and I wish to conclude my words that there are different gods created by religions, by humans and that all religious beliefs are incapable of bringing peace and to guarantee equal rights to the world population .

Shiekh Muhammed,
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ADULTERY & EQUALITY

The dictionary meaning of adultery is that a married man is said to commit adultery if he has sexual intercourse with a woman with whom he has not entered into wedlock. Section 497 IPC made adultery a criminal offence, and prescribes a punishment of imprisonment which may extend to a period five years and fine.

Section 497 was enacted in 1860 which is a pre-constitutional law. During that period women had no rights independent of their husbands, and were treated as property or chattel of their husbands.

Two individuals may separate if one cheats, but to attach criminality to infidelity is going too far, the Chief Justice observed in the case Joseph Shine v. Union of India. Loss of moral commitment in a marriage creates problems in the relationship but it is left to each individual to deal with the same, some may forgive

while others don't and paves the way towards curtailment of relationship. Punishing each other or the wife's lover is unlikely to re-join commitment, the judgment said.

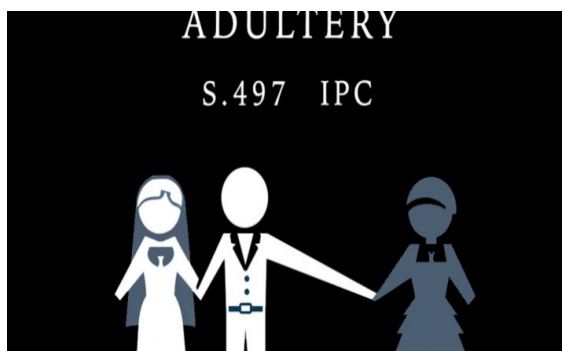
Section 497 of Indian Penal code explains adultery as "whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both." In such a case, the wife shall not be punishable as an abettor.

It was held by the Bench that Section 497 treats a married woman as the commodity of her husband. Adultery is not a crime if the cuckolded husband gives consent to his wife's extra-marital affair. Section 497 treats a married woman as her husband's property. The judgment further adds that provision is a reflection of the male dominance of a patriarchal society prevalent 150 years ago.

The Bench also held Section 198 (2) of the CrPC, is arbitrary which provides the cuckolded husband the exclusive right to prosecute his wife's lover.

Section 497 considers men and women unequally. Women are not subject to prosecution for adultery, and women cannot prosecute their husbands for adultery. Additionally, adultery committed with the "consent or connivance" of the husband of the woman will not make it an offence. Lack of

adequate determining principle to criminalize consensual sexual activity and manifest arbitrariness makes the section violative of Article 14, held in Joseph Shine's case. Section 198(2) CrPC has failed to consider the wife of the adulterer as an aggrieved person. The rationale of the provision is affected by lack of logical approach and therefore it suffers from the vice of Article 14 of the Constitution being manifestly arbitrary. Article 15(1) prohibits discrimination on ground of sex. Law considers a husband as an aggrieved party, if his wife engages in sexual intercourse with another man,



but the wife is not, if her husband does the same. It is evident from this angle that the offence of adultery discriminates between a married man and a married woman to her detriment on the ground of sex only. The provision is discriminatory and violative of Article 15. A commitment to constitutional morality requires enforcement of the constitutional rights which are fundamental in nature such as equality before the law, non-discrimination on account of sex, and dignity, all of which are affected by the operation of Section 497, held in the case. The Supreme Court in the case has observed that these sections are wholly outdated and have outlived their purpose. The Court further applies the

Maxim of Roman law, *cessante ratione legis, cessat ipsa lex* which means, when the reason of the law ceases, the law itself also ceases, to interdict such law. Moreover, when such law falls out of constitutional guarantees, it is Supreme Court's solemn duty not to wait for legislation but to strike down such law..

While coming to the decision in the Joseph Shine case the decision of the Hon'ble Supreme Court can't be said as a perfect one in a society which give eminence to families and culture, because through striking down section 497 of IPC adultery can no longer be treated as a crime. Of course the right of equality guaranteed by the constitution can be upheld through such a decision.

If we consider this matter closer we can understand that the court had totally failed to see the moral aspects of Indian society. "Adultery should remain an offence. Diluting adultery law will disturb the sanctity of marriages. Making adultery legal will be harmfully reflected in marriage bonds". The court can also uphold the fundamental right of equality by amending Section 497 of the IPC and giving equal punishment for both men and women committing adultery. If the decision was made in such a way after considering the moral values of the society the decision would be even better.

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RELEVANCE OF ENVIRONMENTAL LAWS IN INDIA

As we all know, we are facing serious environmental problems like pollution and natural calamities. In India more than 20 million residents in Delhi's metropolitan area are facing some of the worst pollution on earth, with air quality degrading to dangerous levels as a mix of weather, urban wastes, and rural smoke coverage.

This is the case in our Capital region. But this can be and being a reality in many other states also.

Here arose the importance of laws relating to the protection of environment in India. In a most populated country like India such issues creates huge loss in terms of manpower and resources like water bodies, wildlife, agriculture, air, soil etc. The need for protection and conservation of environment and sustainable use of natural resources is reflected in the Constitutional framework of India. Art 51A-Fundamental Duties, "casts a duty on every citizen of India to protect the environment including forests, lakes, rivers, soil, air and wildlife, and to

have compassion for living creatures." Art 48A stipulates that the state shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country." Some important environment legislations include;

The National Green Tribunal Act, 2010, The Air (Prevention and Control of Pollution) Act, 1981, The Water (Prevention and Control of Pollution) Act, 1974 and so on. There are almost about 15 legislations under environment protection. These Acts provide Central and State Boards for the prevention and control of pollution of air, water and other natural resources. These Acts also prohibit industries from spreading pollution.

Nowadays India follows the legis-

lation for the protection of the environment because cities like Mumbai, Kochi, Delhi, Chennai are facing the effect of pollution in a worst manner. Delhi Government is following the legislations relating to recycling, storage, plastic prohibition, hazardous wastes prohibition to protect the environment.

We can't separate law from our day to day

life. As mentioned before, Indian Law makes a huge effect on protection of the environment. Fundamental duties and the Directive Principles of State Policy under the Indian Constitution are the best examples for this.

ANNMARY TOMY

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**Be the change
you wish to
see in the
world.
-Mahatma
Gandhi**

CIVIC SENSE OF CITIZENS

Citizenship is a national identity of a Person. It is a legal status recognized by the Country. People living in a country are its citizens and they are given both rights and obligations i.e., fundamental rights and duties. As far India is concerned it is set out in

part III and part IV of the Constitution.

The term civic sense is composed of two words "Civic" and "Sense". Civic means city or town, and the word sense means awareness about something. Civic sense is a con-

sideration for the norms of society in which the people are living.

Civic sense gives priority to our obligations towards the mother nation rather than towards the rights that are given to us by the constitution. It's more of being

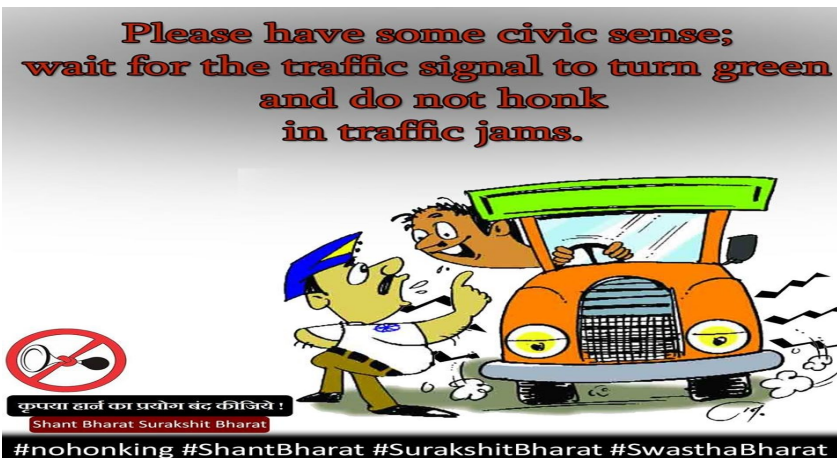
considerate towards everything including fellow human beings, nature, animals, living creatures etc. Obligations and rights are the main elements of law, like the two sides of a coin. "Law is a set of rules and regulations recognized by the society and enforced by the state". When a person has the right to do something, correspondingly he has the obligation to respect the same right of others. It comes under legal right and legal obligation, denial of it is considered a violation in law.

When the people of a country are aware of their civic sense then the crime rate can be brought to nil. The progress and success of the country depends on the civic sense of citizens. In the modern world the civic sense of citizens are declining, and they are least bothered about it. They are misusing their guaranteed legal right and curtailing the rights of others, by neglecting fundamental duties and legal obligations. The growing rate of terrorism, religious war, robbery, rape etc. is the result of this. We have civic rights granted by our constitution. But it is not like giving license to do anything and everything. We are allowed to live in our country with all rights, but we have no right to hurt or attack anyone for any reason.

Citizens with proper civic sense

will not commit any crimes. Almost all the citizens are utilizing their civic rights but it seems that they forget their obligations. This condition is dangerous and it will lead to internal and external wars. So it is necessary to

Japan is one of the nations having people with high civic sense. The civic sense of its citizens made them work together for their nation's progress. It is due to the good governing bodies of that country



make everyone aware about the civic sense. NCC, Red Cross and other similar organizations help in the growth of civic sense in children and people in different sectors of the society.

Only the responsible Governments can make civic sense in citizens through awareness programs and imposing strict punishments to those who violate civil rights. Civic rights are fundamental rights and Civic obligations were added to our constitution by the amendment of 1976. They came into existence in 1977. If there is violation of the guaranteed rights, we can directly approach the High Court or the Supreme Court, and they will take appropriate methods to resolve it.

which nurtured civic sense among the citizens.

A good citizen preserves his civic rights and carries out the obligations properly. In the present world people are more aware of their rights than their duties. But it is high time that we should give slightly high priority to the duties and obligations which can lead to the growth of the society.

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Campus Buzz



National Law Day Celebrations at college - 26 / 11/ 2019



NOTE 2K19

A poster design competition organized by Women & Child Development, Idukki in association with Women's Club & CLALA.



12/ 12/ 2019

Campus Buzz



Binnet M. Vavachan

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Finalists in the debate competition “NOMIKOS POLEMOS” National Law fest 2019 conducted by Govt. Law College, Kozhikode.

- 15/12/2019



Christmas Celebration at College - 25/12/2019



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