

BEYOND TALAQ

India needs a non-sectarian, gender-neutral law that addresses desertion of spouses

Both Houses of Parliament have passed a Bill making instant triple talaq a criminal offence, amidst persistent doubts whether it ought to be treated as a crime or just a civil case. It is true that the Muslim Women (Protection of Rights on Marriage) Bill, 2019, is a diluted version of the Bill as it was originally conceived. Earlier, it did not specify who could set the law in motion. Now the offence is cognisable only if the affected wife, or one related to her by blood or marriage, files a police complaint. A man arrested under this law may get bail, after the Magistrate grants a hearing to the wife. Thirdly, the offence is compoundable, that is, the parties may arrive at a compromise. The government says its main objective is to give effect to the Supreme Court's 2017 verdict declaring instant triple talaq illegal. It claims that despite the court ruling, several instances have been reported. Making it an offence, the government says, will deter further resort to triple talaq, and provide redress for women in the form of a subsistence allowance and custody of children, besides getting the erring husband arrested. However, the core question regarding the necessity to criminalise the practice of talaq-e-biddat has not been convincingly answered.

In the light of the Supreme Court ruling on its validity, there is really no need to declare instant triple talaq a criminal offence. The practice has no approval in Islamic tenets, and is indeed considered abhorrent. Secondly, once it has been declared illegal, pronouncing talaq obviously does not have the effect of "instantaneous and irrevocable divorce" as this Bill claims in its definition of 'talaq'. The provisions that allow a woman to claim a subsistence allowance from the man and seek custody of her children can be implemented in the event of the husband abandoning her, even without the man's arrest. If triple talaq, in any form, is void, how the questions of children's custody and subsistence allowance arise while the marriage subsists, is not clear. And then, there is the practical question of how a man can provide a subsistence allowance while he is imprisoned. It has been argued by the Bill's proponents that dowry harassment and cruelty towards wives are treated as criminal offences even while the marriage subsists. It is a patently wrong comparison, as those acts involve violence and cruelty and are rightly treated as criminal offences. The same cannot be said of a man invoking a prohibited form of divorce. The BJP projects the passage of the Bill as a historic milestone in the quest for gender justice. Such a claim will be valid only if there is a

non-sectarian law that addresses abandonment and desertion of spouses as a common problem instead of focusing on a practice, which is no more legally valid, among Muslims.

Words**Meaning**

Persistent	Tenacious, preserving, determined, resolute
Diluted	Weak end, flagged, weak in force, content, value
Conceive	Think up, come up with, dream up, draw up
Cognisable	Perceptible, clearly, identifiable
Verdict	Judgement, adjudication, adjudgement, decree
Instances	Example, occasion, occurrence, illustration
Deter	Prevent, stop, avert, intercept, halt, impede
Redress	Rectify, correct, amend, repair, retrieve
Subsistence	Maintenance, keep, upkeep, support, livelihood
Erring	Wrong, having, failed to adhere to proper standards
Tenet	Principle, belief, doctrine, precept, creed
Abhorrent	Hateful, grotesque, scornful, ghastly
Pronounce	Declare, aver, avow, herald, proclaim
Irrevocable	Irreversible, un-rectifiable, irremediable
Void	Invalid, null and void, inoperative
Proponent	Advocate, supporter, exponent, adherent
Invoke	Pray to, call on, appeal to, plead with
Convincingly	Believably, imaginably
Summarily	Immediately, instantly, suddenly, forthwith

LOGGED OUT**Brazil must recognise that the Amazon rainforest is a universal treasure**

It is a matter of global concern that deforestation in the Amazon rainforest in Brazil is increasing rapidly since January, when Jair Bolsonaro took office as President. Satellite images show that about 4,200 sq km of forests have been destroyed up to July 24 under the new government. While most nations tend to view their land and forests through the narrow prism of short-term economic gain, climate science data show that they play a larger environmental role. The Amazon basin, spread across millions of hectares in multiple countries, hosts massive sinks of sequestered carbon, and the forests are a key factor in regulating monsoon systems. The rainforests harbour rich biodiversity and about 400 known

indigenous groups whose presence has prevented commercial interests from overrunning the lands. Much of the Amazon has survived, despite relentless pressure to convert forests into farmlands, pastures and gold mines, and to build roads. That fragile legacy is now imperilled, as Mr. Bolsonaro has spoken in favour of “reasonable” exploitation of these lands. Although the forest code has not been changed, his comments have emboldened illegal expansion into forests. Armed gold-hunting gangs have reached tribal areas and the leader of one tribe has been murdered in Amapa in an incursion. These are depressing developments, and the Brazilian leader’s criticism of satellite data and denial of the violence are not convincing at all.

As the custodian of forests in about 5 million sq km of Amazon land, Brazil has everything to gain by engaging with the international community on meeting the opportunity cost of leaving the Amazon undisturbed. Mr. Bolsonaro lost a valuable opportunity to seek higher funding for forest protection by refusing to host the annual convention of the UN Framework Convention on Climate Change this year, but he has been wise not to exit the Paris Agreement. Abandoning that pact would jeopardise Brazil’s access to the important European Union market. Globally, there is tremendous momentum to save the Amazon forests. Brazil must welcome initiatives such as the billion-dollar Amazon Fund backed by Norway and Germany, which has been operating for over a decade, instead of trying to shut them down. Remedial funding, accounting for the value of environmental services, is the most productive approach, because forest removal has not helped agriculture everywhere due to soil and other factors. One estimate by the World Bank some years ago noted that 15 million hectares had been abandoned due to degradation. Brazil’s President must recognise that rainforests are universal treasures, and the rights of indigenous communities to their lands are inalienable. The international community must use diplomacy to convince Mr. Bolsonaro that no other formulation is acceptable.

Words

Concern

Basin

Sequester

Harbour

Biodiversity

Indigenous

Meaning

Worries, anxiety, disquiet, apprehension

Valley, hollow, gully, gorge, ravine

Confiscate, seize, sequester, take possession of

Port, dock, haven, dockyard, mooring

Varieties of plant and animal life

Native, aboriginal, original, local

Relentless	Persistent, continuing, constant, continual
Pasture	Grazing land, grass land, pasturage, paddock
Fragile	Breakable, brittle, vulnerable, perilous
Legacy	Bequest, inheritance, heritage, bequeathal
Imperil	Endanger, jeopardise, put at risk
Embolden	Encourage, hearten, strengthen, fortify
Incursion	Attack on, assault on, invasion of, sortie into
Convention	Agreement, accord, protocol, compact
Abandon	Renounce, relinquish, dispense with, forswear
Jeopardise	Imperil, put into danger, put at risk
Back (v)	Support, finance, advocate, buttress
Degradation	Humiliation, shame, loss of dignity, abasement, mortification ignornity
Inalienable	Inviolable, absolute, sacrosanct, unchallengeable