

# DAILY PT POINTERS

21<sup>st</sup> February, 2024



# On the right to maintenance for divorced Muslim women

Do personal laws debar divorced Muslim women from availing maintenance under Section 125 CrPC?

Aaratrika Bhaumik

### The story so far:

The Supreme Court has decided to examine if a divorced Muslim woman is entitled to a claim of maintenance under Section 125 of the Criminal Procedure Code (CrPC) from her former husband – reigniting the debate on whether secular laws should be given precedence over distinct personal laws. On February 19, a Bench comprising Justices B.V. Nagarathna and Augustine George Masih reserved its verdict in the case.

### How has the law evolved?

such a person to make a monthly allowance for the maintenance of his wife at a monthly rate as the magistrate thinks fit. The explanation to this provision clarifies that a “wife” includes any woman who has been divorced by, or has obtained a divorce from, her husband and has not remarried.

The Muslim Women (Protection of Rights on Divorce) Act, 1986 (1986 Act), on the other hand, is a religion-specific law that provides a procedure for a Muslim woman to claim maintenance during divorce. Section 3 of the 1986 Act guarantees the payment of maintenance to a divorced Muslim woman by her former husband only during the period of

A Constitution Bench of the Supreme Court in the *Danial Latifi versus Union Of India* (2001) case upheld the constitutional validity of the 1986 Act by extending the right of a Muslim woman to get maintenance till she re-marries. It, however, reduced the period of maintenance to the completion of *iddat*. In 2009, a Division Bench of the Supreme Court reiterated a divorced Muslim woman's right to claim maintenance under Section 125 of the CrPC as long as she does not remarry. It highlighted that such a relief would be extended even after the expiry of the *iddat* period.

### How did the proceedings play out?

this observation. He also said that the question of whether the 1986 Act takes away the right under Section 125 of the CrPC was not dealt with in *Danial Latifi* and thus there is a requirement of an authoritative pronouncement in this regard.

“However, the observations in paragraph 33 of the judgment suggest that the 1986 Act has to be interpreted in such a manner that the divorced Muslim woman is entitled to all rights of maintenance as are available to other divorced women in the country. Consequently, the rights of divorced women cannot be taken away only from one section of divorced women of our country, lest it infringe Articles 14, 15, and 21 of the Constitution. Thus, the validity of the 1986 Act was upheld with this understanding that the 1986 Act does not seek to treat Muslim divorced women any less favourably than other divorced women,” he elucidated.

Dismissing the petitioner's argument that the provisions of the 1986 Act reflect the Parliament's intent to debar Muslim women from seeking relief under Section 125 of the CrPC, the court asserted that if

- The Supreme Court has decided to examine if a divorced Muslim woman is entitled to a claim of maintenance under Section 125 of the Criminal Procedure Code (CrPC) from her former husband

### How has the law evolved?

- The law governing maintenance for destitute wives, children, and parents has been codified under Section 125 of the CrPC.
- It stipulates that if any person “having sufficient means neglects or refuses to maintain” his wife, — then a magistrate of the first class may, upon proof of such neglect or refusal, order such a person to make a monthly allowance for the maintenance of his wife at a monthly rate as the magistrate thinks fit.

# HEADLINES OF THE DAY

The Hindu: Miscellaneous-Page 16



Shashi Tharoor

## Tharoor gets highest civilian award of France

The Hindu Bureau  
NEW DELHI

Congress leader Shashi Tharoor was conferred the 'Chevalier de la Legion d'Honneur', the highest civilian honour in France, at an intimate ceremony at the French Embassy on Tuesday.

- The Chevalier de la Legion d'Honneur (Knight of the Legion of Honour) was established by Napoleon Bonaparte in 1802. It is France's highest civilian award that acknowledges extraordinary accomplishments and services rendered to France.
- It covers contributions in arts, literature, science and public service, among others.

# HEADLINES OF THE DAY

The Hindu:Species (GSIII)-Page 22



- It is a forest-dweller that inhabits primary evergreen, scrub and semi-deciduous hill forest, as well as mountainous broadleaf forest, but it cannot survive in pine-dominated forest.
- It can be found in Myanmar and China
- listed as Endangered

## HEADLINES OF THE DAY

Indian Express:GS 2/Health-Page 9

# WHO launches digital health platform agreed upon in India's G20 presidency

At the launch of GIDH, Union Health Minister Mansukh Mandaviya and India's representative to the UN Arindam Bagchi addressed the gathering.



- The World Health Organization (WHO) Tuesday launched the Global Initiative on Digital Health (GIDH) virtually, a platform for sharing knowledge and digital products among countries.
- The Global Initiative on Digital Health (GIDH) is a WHO managed network of stakeholders organized to facilitate the implementation of the Global Strategy on Digital Health 2020-2025 and other WHO norms and standards for Digital Health System Transformation.
- The Initiative will serve as a platform to enable a wide global ecosystem to work collectively to promote country capacity and strengthen international cooperation in digital health.
- The initiative will be a network of networks with four main components — country needs tracker, country resource portal (a map of resources available in a country), transformation toolbox that will share quality-assured digital tools, and knowledge exchange.

## Indian Express: Polity and Governance (GSII)-Page 17

### Art 142, why SC quashed Chandigarh mayor election, why it matters

INA ROHTAKI & NANTHAKRISHNAN  
CHANDIGARH, NEW DELHI, FEBRUARY 20

THE SUPREME COURT has quashed the result of the January 30 election for the Mayor of Chandigarh after finding that presiding officer Anil Masih had deliberately invalidated eight ballots cast in favour of the AAP-Congress candidate Kuldeep Kumar Tita.

The Bench, comprising Chief Justice of India (CJI) D Y Chandrachud and Justices JB Ardila and Manoj Misra, set aside the result as "contrary to law" and declared Kuldeep Kumar the "validly elected candidate", but refused to quash the election process itself.

**What grounds did the Supreme Court strike down the result?**

The court used its power under Article

142 of the Constitution to do "complete justice" and protect the sanctity of electoral democracy. "Allowing such a state of affairs... would be destructive of the most valued principles on which the entire edifice of democracy in our country depends," it said.

The Bench said it was evident that "while the petitioner is reflected to have polled 12 votes, the eight votes which are treated as invalid were wrongly treated to be so", and "each of those... invalid votes were in fact validly cast... in favour of the petitioner".

It follows that Kuldeep Kumar had in fact got 20 votes, while Manoj Sonkar, the BJP candidate, had won 16. "We accordingly order and direct that the result of the election as declared by the presiding officer shall stand quashed and set aside," the court said.

Sonkar had resigned from his post on Sunday, ahead of the court's verdict passed on Tuesday.

**Why was this election important?**

The powers of the Mayor of Chandigarh Municipal Corporation are limited to calling meetings and deciding the agenda. Although the corporation has a five-year term, the Mayor is elected for only one year. The post is reserved for a woman candidate in the first and fourth year of each corporation. The last election to the corporation was held in 2021.

This year's election was politically significant because it saw an alliance, for the first time, between the AAP and Congress against the BJP, setting the stage for potential alliances for the Lok Sabha elections. The parties have been in talks for a seat-sharing deal in Delhi, even though they have decided to contest separately in Punjab.

**What was the situation before the polls?**

The elections were initially scheduled for January 18, but when AAP and Congress coun-

cillors reached the venue, they were told voting had been postponed as presiding officer Masih had taken ill. The Union Territory Administration wanted to hold the election on February 6, but Kuldeep Kumar approached the Punjab and Haryana High Court, which ordered the election to be held on January 30.

Ahead of the election, AAP had 13 councillors and the Congress 7, which gave the alliance a clear advantage in the 36-member House. The BJP had 15 votes – 14 of its councillors, plus the vote of its Chandigarh Lok Sabha MP (who has a vote under the rules) Kirron Kher. One councillor belongs to the Shiromani Akali Dal (SAD). The BJP said it had this councillor's support and, therefore, 16 votes in all.

On election day, after presiding officer Masih rejected eight votes of the AAP-Congress as invalid, the BJP's Sonkar was declared elected.

**What happened after the election?**

After videos showed Masih marking ballot papers so they could be declared invalid, Kuldeep Kumar moved the High Court and then the Supreme Court.

On February 5, CJI Chandrachud observed that it was obvious that Masih had defaced the ballots, and that "this man has to be prosecuted". The court said it was "appalled" at the "mockery" and "murder" of democracy, and summoned Masih on January 19.

On Tuesday, the court said that "the presiding officer has evidently put his own mark on the bottom half of the ballot for the purpose of creating a ground for treating the ballot to have been invalidly cast... so as to secure a result... by which the eighth respondent (Sonkar) would be declared... elected".

It said that Masih's conduct has to be deprecated because, "firstly... he has unlawfully altered the course of the Mayoral election"

and, "secondly, [by] making a solemn statement before this court on February 19, [he] has expressed a patent falsehood for which he must be held accountable".

Masih had told the court on Monday that he had marked the ballot papers that were already defaced, in order to avoid mixing them up with other ballots. On Tuesday, the court directed that a show cause notice be served on him.

Meanwhile, three AAP councillors joined the BJP on Sunday. Had the court ordered a fresh election instead of merely quashing the result, the AAP-Congress tally would have fallen to 17 from 20, while the BJP's votes would have risen to 19 (including the SAD councillor's vote), giving the party the majority (along with MP Kher's vote) of the 36 ballots that would be cast. Unlike in elections for Parliament or state Assemblies, there is no anti-defection law in municipal elections.

- In overturning the results of the January 30 elections for the post of Mayor of the Chandigarh Municipal Corporation, the Supreme Court **invoked the sweeping powers conferred on the court under Article 142 of the Constitution.**
- Article 142 provides a unique power to the Supreme Court, to do "complete justice" between the parties, where, at times, the law or statute may not provide a remedy. In those situations, the court can extend itself to put an end to a dispute in a manner that would fit the facts of the case.

# HEADLINES OF THE DAY



**Air:Economy(GSIII)**

Last Updated: Feb 21, 2024, 8:17AM

PM Kisan Samman Nidhi makes significant strides in transforming lives of small and marginal farmers

PM Kisan is a Central Sector scheme with 100% funding from Government of India.

It has become operational from 1.12.2018.

Under the scheme an income support of 6,000/- per year in three equal installments will be provided to all land holding farmer families.

Definition of family for the scheme is husband, wife and minor children

# HEADLINES OF THE DAY

**Air: IR (GSII)**

## PM Modi to inaugurate 9th edition of Raisina Dialogue in New Delhi

Prime Minister Narendra Modi will inaugurate the 9th edition of Raisina Dialogue in New Delhi today. Prime Minister of Greece, Kyriakos Mitsotakis, will join the inaugural session as the Chief Guest, and deliver the keynote address. The three-day Raisina Dialogue will witness the participation of representatives from over 100 countries including Ministers, former Heads of State and Heads of Government, Military Commanders, Captains of Industry, Technology Leaders, Academics, Journalists, and Scholars on Strategic Affairs.



- The Raisina Dialogue is India's flagship conference on geopolitics and geo-economics. It is committed to addressing the most challenging issues facing the international community.
- The conference is hosted by the Observer Research Foundation in partnership with the Ministry of External Affairs, Government of India.
- The theme of this edition is "Chaturanga: Conflict, Contest, Cooperate, Create".
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# HEADLINES OF THE DAY

Air : Environment (GSIII)/ IR (GSII)

Last Updated: Feb 20, 2024, 8:25PM

## Malta Becomes 119th Country to Join International Solar Alliance



Malta Becomes 119th Country to Join International Solar Alliance

The ISA was conceived as a joint effort by India and France to mobilize efforts against climate change through the deployment of solar energy solutions.

It was conceptualized on the sidelines of the 21st Conference of Parties (COP21) to the United Nations Framework Convention on Climate Change (UNFCCC) held in Paris in 2015, the ISA website added. (ANI)

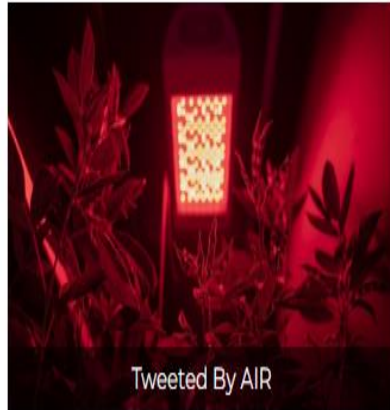
# HEADLINES OF THE DAY



## Air: Economy (GSIII)

### Hyderabad-based ICRISAT announces World's first Pigeon Pea speed breeding protocol

The Hyderabad-based International Crops Research Institute for the Semi-Arid Tropics (ICRISAT) has come up with an innovation in Pigeonpea breeding and announced the World's first Pigeon pea speed breeding protocol, further strengthening food security in Asia and Africa. The new convention promises to substantially cut the time required to develop new Pigeonpea lines with desirable traits, effectively bringing food to dryland communities faster. According to an ICRISAT release, the new protocol shortens the breeding and control over factors like photoperiod, temperature, humidity, and breeding cycle to 2 to 4 years while the traditional Pigeonpea breeding takes up to 13 years.



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#### Do you know ?

Pigeonpea, a staple in tropical and subtropical diets, is crucial for food security and soil health globally and is lauded for its nutritional value and versatility.