



# GS ARTICLES

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# EDEN IAS

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### MUSLIM WOMEN (PROTECTION) OF RIGHTS ON MARRIAGE ACT, 2019

Fundamental rights are enshrined in part III of Indian constitution and are guaranteed to all citizens. They were included in the constitution because they were considered essential for the overall development of the personality of every individual and to preserve the human dignity.

Fundamental Rights – As a source of Inspiration to Legislators

- The fundamental rights usually guarantee civil freedom to all the citizens of India and allow them to enjoy certain basic human rights. Thus they serve as limitations upon the legislators as anything in contravention to them will be declared unconstitutional. However, at times they serve as a source of inspiration for legislators also.
- Enactment of legislations related to the provisions like Right to information act, Right to Education, Right to free legal aid and livelihood etc are such initiatives where the fundamental rights served as a source of inspiration.
- The very recent Enactment of Muslim Women Act 2019 is also one such move which is intended to foster the right to equality in general and gender equality in particular.

Salient Aspects of the Muslim Women (Protection of Rights on Marriage) Act 2019:

- **Objective of the act:** To Protect the rights of married Muslim women and ensure gender equality and gender justice to Muslim women by declaring practice of triple talaq as void and illegal i.e. not enforceable in law and prevent divorce by practice of 'talaq-e-biddat' by their husbands.
- Defines Talaq and Talaq-e-biddat: It defines talaq or any other similar form of talaq pronounced by Muslim man resulting in instant and irrevocable divorce. It defines Talaq-e-biddat as practice under Muslim personal laws, as pronouncement of word 'talaq' by Muslim husband thrice in one sitting to his wife, resulting in instant and irrevocable divorce

- Declares triple talaq as a cognizable offence and imposes penalty: It makes the practice of triple talaq as an offence punishable with imprisonment up to 3 years and fine. It also makes all declaration of talaq, including in written or electronic form (email, text message etc) to be void and illegal.
- Offence can be compoundable: It makes offence compoundable with permission of Magistrate at the instance of the married Muslim woman upon whom talaq is pronounced. It further provides for hearing a married Muslim woman upon whom talaq is pronounced, before accused is released on bail by Magistrate.
- Provisions for Payment of Subsistence Allowance: It also provides for payment of subsistence allowance (to be determined by Magistrate) to married Muslim women against whom talaq has been declared and dependent children. The amount of allowance will be determined by Magistrate.
- Contains provisions regarding Custody of minor Children: It entitles Muslim woman against whom such talaq has been declared to seek custody of her minor children. In this case, Magistrate is empowered to determine the manner of custody.

The Act certainly, has been framed with a noble intention but there exist certain anomalies that need to be addressed and rectified over time. The role of the Judicial Magistrate is of utmost importance as a lot of the Act rests on his discretion; therefore, certain guiding factors must be laid down.

Hopefully, the Act, via judicial precedents, will provide more clarity to its applications, remedies and the unwarranted situations that may arise due to the strict nature of the legislation.

### OFFICE OF GOVERNOR

The office of the governor is to preserve, protect and defend the constitution and the law as incorporated in his/her oath of office under Article 159 of the Indian constitution in the administration of the State affairs. All his/her actions, recommendations and supervisory powers over the executive and legislative entities of a State shall be used to implement the provisions of the Constitution.

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### Should the post of Governor be abolished?

#### Arguments in favor:

- **Mode of Appointment:** Article 155 says that governor should be appointed (not elected) from amongst persons of high status with eminence in public. The elected government at the state is not even consulted while making appointment of the Governors.
- **Frequent Misuse of Article 356:** originally, Governor has to submit its report to advise the President to proclaim emergency if there is constitutional breakdown in the country, this power also has been abused by political parties in power at centre to dismiss governments in state governed by parties in opposition.
- **Method of Removal:** Article 156 says that the governor will hold office during the pleasure of the President for five years. Now the governor has no security of tenure and no fixed term of office. Example, removal of governors in States with Government change at the Centre.
- **Reservation of Bills for Consideration of President:** As per Article 200 of the Constitution, the governor can reserve certain types of bills passed by the State Legislature for the President's consideration. Even though constitution does not provide Centre the power to veto state's legislation, through power of reservation Centre exercises this power by vetoing or delaying any legislation through President refusal to assent to state's legislation.
- **Appointment and dismissal of the Chief Minister:** After elections in the state, there is a convention to invite the largest party to form government in the state. This convention has been flouted many times at the whim of the governor. Example- the recent episode of Karnataka after the 2018 hung assembly elections.

#### Arguments Against:

- He serves as a bridge between central government and state government. The governor has to see that a stable government is formed in the state and also look into the legal validity of the law passed by state legislature and recommend president rule in the state if there is a breakdown of constitutional machinery.

Thus, the post of governor is essential for the healthy functioning of democracy though it is true that this post has been reduced to becoming a retirement package for politicians.

### ROLE PLAYED BY RAJYA SABHA IN INDIAN POLITY

The Government of India Act, 1919 provided for the creation of a 'Council of State' as a second chamber of the then legislature with a restricted franchise which actually came into existence in 1921. It was meant to be the federal chamber i.e., a House elected by the elected members of Assemblies of the States and Union Territories in which States were not given equal representation.

In the bicameral legislature, the upper house is set up to provide representation to the states and to prevent any hasty decisions by the lower house. All three US, UK, and India follow the bicameral legislature, but there some differences in their functioning.

Thus from the above features, it is evident the Indian Council of States is neither similar to the House of Lords nor at par with the US Senate.

The status of the Rajya Sabha is equal to that of the Lok Sabha in the following matters:

- Approval of proclamation of all three types of emergencies by the President.
- Making recommendations to the President for the removal of Chief Justice and judges of Supreme Court and high courts, chief election commissioner and comptroller and auditor general.
- Approval of ordinances issued by the President.
- Introduction and passage of Constitutional amendment bills.
- Introduction and passage of financial bills involving expenditure from the Consolidated Fund of India.

#### Special powers enjoyed by Rajya sabha:

- The Rajya Sabha has some exclusive powers. Under Art. 249 of the Constitution, the Rajya Sabha may by a resolution adopted by a two-thirds majority, empower the Parliament should make laws with respect to a matter in the State List.
- It may declare the creation of new All-India Services in the nation's interest.

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- If the Lok Sabha is dissolved before or after the declaration of a National Emergency, the Rajya Sabha takes over the functions of the Parliament.

Although Rajya Sabha is not at par with US Senate but in India it is not treated as a secondary chamber rather it is considered as a second chamber. It can, exercise control over the Government and this function becomes quite prominent, particularly when the Government does not enjoy the majority in Rajya Sabha.

### COLLEGIUM SYSTEM

The Articles (124 & 217) of the Indian constitution state that judges of the Supreme Court and high court shall be appointed by the President in consultation with the Chief Justice of India (CJI) and other judges of the Supreme Court and the High Courts as the President of India may deem necessary.

However, there is an issue with what does the term “in consultation” actually imply and the central question was who has the final say in the appointment of judges, the government or the Supreme Court? The answers were given by the Judges cases. The three cases given following are the three cases that came to be known as the Judges cases.

- 1) S. P. Gupta v. Union of India - 1981 (also known as the Judges' Transfer case)
- 2) Supreme Court Advocates-on Record Association vs Union of India - 1993
- 3) In the third case The SC reaffirmed its 1993 judgment and expanded the Collegium to a five member body to include the CJI and the four most-senior judges of the court after the CJI.

### Current Collegium system and issues with the process

- Nowhere in the world do judges select and appoint judges as they do in India. It leads to inbreeding that promotes one of its own—ignoring those, who should be appointed.
- No representation of government may lead to the tyranny of Judicial system. Lack of an expert body like a standing committee, to help the Collegium and the executive's indifferent role in the participatory process.
- Opaqueness and a lack of transparency, and the scope for nepotism are cited often.

- The attempt made to replace it by a 'National Judicial Appointments Commission' was struck down by the court in 2015 on the ground that it posed a threat to the independence of the judiciary.
- Some do not believe in full disclosure of reasons for transfers.
- Embroilment in public controversies and having relatives practicing in the same High Court could be common reasons for transfers.

### Suggestions to reform the Existing Collegium system

- Selection of judges by Collegium is undemocratic as public representatives have no role in the appointment of judges.
- The need of the hour is to revisit the existing system through a transparent and participatory procedure, preferably by an independent broad-based constitutional body guaranteeing judicial primacy but not judicial exclusivity.
- The new system should ensure independence, reflect the diversity, and demonstrate professional competence and integrity.
- The system needs to establish a body which is independent and objective in the selection process.
- Setting up a constitutional body accommodating the federal concept of diversity and independence of the judiciary for the appointment of judges to the higher judiciary can also be thought of as an alternative measure

Thus, India needs to restore the credibility of judicial appointments by making the process more transparent and democratic. Apart from reforming the Collegium system, the quality of judges can also be improved through the implementation of All India Judicial Services.

### URBAN LOCAL BODIES

The 74th constitutional Amendment 1992 has brought significant transformation with respect to urban local governance in India. The act incorporated various provisions related to urban local bodies. Although it tried to ensure regular elections, devolution of finances, the authority to collect tax, and some other functions, substantial fiscal powers were not transferred to them in practice which makes these bodies ineffective to meet the aspirations of urban citizens.

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### Various issues related to urban local bodies in India:

- **Funds and Fiscal related:** The first and most serious problem facing the urban local bodies is the acute scarcity of funds and finances. City municipalities do not collect enough taxes. The Economic Survey of 2018 pointed out municipalities did not realize the full potential of property tax.
- **Functions and Functionaries related:** There is also strict control exercised by the state government over urban bodies. The states are following the regulator role instead of playing an effective facilitator role and are reluctant to devolve the functions as needed. Apart from these, Poor planning, poor accountability, and poor governance have led to disasters.
- **Elections related:** Elections to urban bodies have suffered constant postponement for indefinite lengths of time. In some States, elections to urban local bodies have not been held for years, defeating the goal of decentralized governance.
- **Governance related:** The largest reason for the poor condition of India's cities is the failure of municipal governance. There is a lack of planning and ineffective, poor governance at the urban local body level.
- **Rampant prevalence of unethical practices:** In urban local bodies the problem like corruption, bribery, favoritism and nepotism, etc has become rampant. With respect to this work, the state government is empowered to take disciplinary action and thus an urban body has very little control over its personnel.

### Current status of performance & devolution of fiscal powers:

- At present one of the prime reasons for the inefficiency of urban local bodies is lack of effective devolution of fiscal powers and lack of investment in building human and institutional capacities.
- Normally, the world over, the size of the local governments taken together is to the tune of around six percent of the national GDP. But In case of India, it is less than one percent.
- Apart from this, the urban local bodies generate merely less than one third of their own revenue across the country.

- Above to this, Political support and capacity for revenue generation is lacking, except in some southern and western states.
- Organizational systems and accounting procedures in urban local bodies have not been modernized to the state of art.

### Steps need to be taken:

- Effective devolution of fiscal powers is also the need of the hour as without such powers its very unfair to call them as local self-governments.
- Effective fiscal monitoring mechanism should be evolved and fiscal monitoring dash board could be a possible way to improve the revenue collections.
- Introduction of the new simplified and transparent system of taxation would definitely improve the collection efficiency.
- Midterm appraisal system and reward mechanism should be adopted to enhance the fiscal performance of ULBs.
- Higher level governments must devolve sufficient funds to the local bodies to fund their mandate. The financial recommendations by State Finance Commission should be treated with utmost seriousness.
- It is high time for Political empowerment of local government which can further improve the local democratic accountability.

Therefore in the wake all the above observations effective fiscal powers should devolved to the urban local bodies to realize Gandhi Ji's dream of Gram Swaraj and we must follow the finance commission recommendations in letter and spirit in this regard.

### ALTERNATIVE DISPUTE RESOLUTION

Alternate dispute resolution is a method of resolution of disputes outside the formal legal system. Under these mechanisms, the conflicting parties come to an agreement without the formal process of litigation. In India, The Legal Services Authorities Act 1987 and Arbitration & Conciliation Act 1996 provide for various ADR mechanisms.

In addition Section 89 of the Civil Procedure Code was modified to incorporate conciliation, mediation, and pre-trial settlement methodologies for prompt and inexpensive resolution of disputes.

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### Types of Alternate Dispute Resolution mechanisms

1. Arbitration
2. Conciliation
3. Mediation
4. Negotiation
5. Judicial Settlements inclusive of Lok Adalats

It is said that "An ounce of mediation is worth a pound of arbitration and a ton of litigation". Therefore, different alternative redressal mechanisms were formed in India like Gram Sabhas, Nyay Panchayats, Lok Adalats, Family Courts, Commission of Inquiry, Tribunals, and Consumer Courts, etc.

### Significance of Alternative Dispute Resolution Mechanisms:

- **Speedy justice:** The ADRs can be conducted at suitable places, arranged very fast, in local languages and even for the illiterates therefore they contribute for speedy justice. Thus fulfills the fundamental right of speedy trial part of Article 21.
- **Speedy disposal of cases:** ADRs can bring timely justice by avoiding procedural delays associated with formal court system and Reduce workload on the courts given that at present about 3.3 crore cases are pending in Indian courts (National Judicial Data Grid data).

**For instance:** Lok Adalats is one of the Alternative dispute resolution mechanisms in India, it is a forum where cases pending or at the pre-litigation stage in a court of law are settled. Around 6.6 lakh cases were disposed of in a single day during the 2nd Lok Adalat conducted in 2017.

- ADR uses the principles of natural justice in consonance with the rule of law to deliver justice.
- Win-Win situation for all the parties involved: ADR process offers animosity and confidentiality between parties. Thus, helps to preserve important social relationships for disputants especially in civil matters like divorce.
- Improves access to justice: Access to justice is improved as cost and time of litigation comes down thus duty of providing free legal aid to poor is met (39A).
- Simpler compared to formal legal mechanisms: Saves common man from complex and adverse judicial process and avoids lengthy court procedures.

- Promotes ease of governance: Ex: Administrative Tribunals, National Company Law Tribunal, National Green Tribunal and others make the processes at ease.

However, there are some Issues related to ADR's like lack of manpower, lack of certainty, lack of experts, arbitrary procedures, appeals to regular courts etc.

### Way forward:

- Creating proper awareness about ADRs.
- Providing proper training to the ADR practitioners.
- Creation of more ADR centres and mediation centres should be set up in all the districts.
- Periodical conduction of Lok Adalats.
- Further strengthening of Gram Nyayalayas system

At present, it has become an international phenomenon to resolve commercial disputes through arbitration and not through normal judicial system. Majority of the persons do not want to become involved in lawsuits due to delays, high costs, and unwanted publicity.

ADR's provide best solution to all these concerns. Hence, we should further strengthen ADR mechanisms in India on the guidelines as recommended by B.N.Srikrishna Committee at the earliest possible.

### THE INTERNATIONAL MONETARY FUND (IMF)

A prosperous and stable world economy is in the self-interest of every nation. The International Monetary Fund (IMF), which is a worldwide institution that facilitates prosperity and stability across the world, was founded in 1944 to restructure the world economy ruined by the Second World War and to design the postwar international monetary system.

### Role of IMF in establishing global prosperity and stability:

- Since its inception, IMF has been playing an important role in the promotion of world trade and solving the Balance of Payments (BOP) difficulties of its member countries, especially the developing ones.
- Despite its significant contribution, the IMF has been severely criticized by academics, politicians, and public interest groups on the grounds that it is dominated by the developed nations, and hence better serves the interest of the wealthy nations as opposed to the world's poor majority.

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### Reforms to be brought in IMF:

- Keeping in need of the emerging markets and developing countries, to keep in pace with the growing global economic instability there needs some changes to be brought in the existing system of structure and functioning of IMF.
- Quota reforms and the need for quota reforms: IMF is a quota-based institution and the quotas are the building blocks of IMF's Financial & governance structure. Keeping this in view quota shares of emerging markets and developing countries( EMDC) should be increased relative to its growing economic position.
- Need for Precautionary intervention of GFSN: Protectionism, trade wars, and tightening of financial conditions are the challenges that the world is facing now. Therefore as IMF stands at the core of the Global Financial Stability Net (GFSN) an early intervention approach to be formed for tackling the global financial crisis.
- Need for building buffer and policy action: Building a buffer and policy action is the need of the hour to tackle the current global economic stability issues.
- Even after several reforms introduced over a period of 70 years to improve and strengthen the representation of the developing countries, there are four critical issues that are yet to be addressed within IMF viz. are Dominance, Governance, Loan conditionality, and Quota system.

Although with a delayed response 2010 reforms have been implemented in IMF the 15th general review Quota reforms also to be brought in to reality in order to establish a prosperous and stable world economy which is urgently needed in the greater self-interest of every nation.

### TEMPLE ARCHITECTURE

The Gupta period marks the beginning of Indian temple architecture. There was a gradual progression from the flat-roofed, monolithic temples in the initial stages to the sculptured "shikhara" in the later years. This was a formative age in which there was experimentation in a number of forms and designs, out of which two important temple styles emerged- the Nagara style and the Dravida style. The progression in the temple architecture can be distinguished in five stages.

#### First Stage

Features of this phase of the temple are:

- Flat roofed
- Square shape of the temple.
- Shallow pillared porch in front.
- The entire structure was built on a low platform.

#### Second Stage

- Flat roofed
- Square shape of the temple
- Covered ambulatory passageway around the sanctum
- Pillared porch
- Sometimes second storied

#### Third Stage

- Square Temple
- Emergence of shikharas ( low and almost square)

#### Fourth Stage :

- The temples of this stage were almost similar except that rectangular temple (main shrine) with an apsidal back and a barrel-vaulted roof above.
- **Example:** Ter Temple, Maharashtra

#### Fifth Stage

- Circular temple, with shallow rectangular projections at the four cardinal faces introduced. Rest of the features of the previous phase continued.
- **Example:** Maniyar Math, Rajgir

### CULTURE AND CIVILIZATION

- The word 'culture' and 'civilization' are often used synonymously. However, they have clearly defined meanings differentiating them.
- Civilization' means having better ways of living and sometimes making nature bend to fulfill their needs. It also includes organizing societies into politically well-defined groups working collectively for improved conditions of life in matters of food, dress, communication, and so on.
- On the other hand 'culture' refers to the inner being, a refinement of head and heart. This includes arts and sciences, music and dance, and various higher pursuits of human life which are also classified as cultural activities.



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### GENERAL CHARACTERISTICS OF CULTURE

1. Culture is learned and acquired: Culture is acquired in the sense that there are certain behaviors that are acquired through heredity. Individuals inherit certain qualities from their parents but socio-cultural patterns are not inherited. These are learned from family members, from the group, and the society in which they live. It is thus apparent that the culture of human beings is influenced by the physical and social environment through which they operate.
2. Culture is shared by a group of people: A thought or action may be called culture if it is shared and believed or practiced by a group of people.
3. Culture is cumulative: Different knowledge embodied in culture can be passed from one generation to another generation. More and more knowledge is added to the particular culture as time passes by. Each may work out a solution to problems in life that passes from one generation to another. This cycle remains as the particular culture goes with time.
4. Culture changes: There is knowledge, thoughts, or traditions that are lost as new cultural traits are added. There are possibilities of cultural changes within the particular culture as time passes.
5. Culture is dynamic: No culture remains in a permanent state. Culture is changing constantly as new ideas and new techniques are added as time passes modifying or changing the old ways. These are the characteristics of culture that stem from the culture's cumulative quality.
6. Culture gives us a range of permissible behavior patterns: It involves how an activity should be conducted, how an individual should act appropriately.
7. Culture is diverse: It is a system that has several mutually interdependent parts. Although these parts are separate, they are interdependent with one another forming culture as a whole.
8. Culture is ideational: Often it lays down an ideal pattern of behavior that is expected to be followed by individuals so as to gain social acceptance from the people with the same culture.

### CHARACTERISTICS OF INDIAN CULTURE

The distinctive features of Indian culture and its uniqueness are the precious possession of all Indians. Characteristics of the Indian culture are:

### Continuity and Change

- Indian culture has had an enduring character. Despite major changes and upheavals significant threads of continuity can be traced throughout the course of Indian history right up to the present day. Even today the pattern of a house in an Indian village is not very different from that of a Harappan house. Some aspects of Harappan culture are still practiced, such as the worshipping of the Mother Goddess and Pashupati. At the same time, one should not lose sight of the changes as are evident in the multistoried buildings in the metropolitan cities. This shows that continuity and change in our civilization have gone hand in hand.
- The reform movements in the Vedic religion brought about by Jainism and Buddhism in the sixth century BC and the religious and social awakening in the eighteenth and nineteenth centuries in modern India are a few examples when revolutionary changes were brought about in Indian thought and practices. Yet the thread of basic philosophy of Indian culture continued still persists. Thus a process of continuity and change has always been a feature of Indian culture. This shows the dynamic character of our culture.

### Variety and Unity:

- A large number of languages and dialects are spoken in our country which has led to the growth of a great variety of literature.
- The second important reason for the variety in our culture is the intermingling among various ethnic groups.
- Along with contacts with outside cultures, cultural exchange between different regions of India has also continued. As a result, people transmitted cultural habits and thoughts from one part of the country to the other.
- The composite nature of our culture is reflected in our music, dance forms, drama, and art forms like paintings, sculpture, and architecture as well.
- Unity in diversity is reflected in our political forms as well.

### Secular Outlook:

- The secular character of Indian culture is a result of the intermingling of people belonging to diverse cultural groups over a long period of time.

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- Right to freedom of religion ensures the secular nature of our polity. In the Western context development of secularism meant a complete separation of the church and the state.
- In India secularism is taken as a more positive concept to cope with the complex social structure in the country with a view to protecting the interests of all, particularly the minorities

### Universalism.

The concept of coexistence has not been confined to the geographical and political boundaries of the country only. India has a universal outlook and it has been promoting the message of peace and harmony to the entire world. India has been raising a strong voice against racialism and colonialism. It has protested against the formation of power blocks in the world. In fact, India became one of the founder members of the non-aligned movement. India is committed to the development of other underdeveloped nations.

### Materialistic and Spiritualistic

- India is popularly known to be a land of spirituality, particularly to the West. However, Indian history from ancient times to the present day shows that the developments of materialistic and non-materialistic culture have been going on alongside.
- The culture of India is the living expression of the simplicity and profundity of her people.

### THE ROUND TABLE CONFERENCES

**First Round Table Conference:** was held in London between November 1930 and January 1931. It was opened officially by King George V on November 12, 1930, and chaired by Ramsay MacDonald.

- This was the first conference arranged between the British and the Indians as equals. Congress and some prominent business leaders refused to attend, but many other groups of Indians were represented at the conference.
- The Muslim League and The Hindu Mahasabha attended.
- The Depressed Classes were represented by B.R. Ambedkar and Rettamalai Srinivasan.

**Outcome:** Nothing much was achieved at the conference. It was generally agreed that India was to develop into a federation, there were to safeguard regarding defence and finance, while other departments were to be transferred. But little was done to implement these recommendations and civil disobedience continued in India.

### Second Round Table Conference:

- Members of the Indian Liberal Party such as Tej Bahadur Sapru, C.Y. Chintamani and Srinivasa Sastri appealed to Gandhi to talk with the Viceroy. Gandhi and Irwin reached a compromise which came to be called the Gandhi-Irwin Pact (the Delhi Pact). The Second Round Table Conference was held in London from September 7, 1931, to December 1, 1931.
- The Indian National Congress nominated Gandhi as its sole representative. A. Rangaswami Iyengar and Madan Mohan Malaviya were also there. There were a large number of Indian participants, besides the Congress.
- The princely states were also called.
- The Justice Party also attended.
- The representatives for Indian women were Sarojini Naidu, Begum Jahanara Shahnawaz and Radhabai Subbarayan.

**Outcome:** The lack of agreement among the many delegate groups meant that no substantial results regarding India's constitutional future would come out of the conference.

The session ended with MacDonald's announcement of:

- two Muslim majority provinces— North-West Frontier Province (NWFP) and Sindh;
- the setting up of an Indian Consultative Committee;
- setting up of three expert committees— finance, franchise and states; and
- the prospect of a unilateral British Communal Award if Indians failed to agree.

The government refused to concede the basic Indian demand for freedom. Gandhi returned to India on December 28, 1931.

**Third Round Table Conference:** The Third Round Table Conference, held between November 17, 1932, and December 24, 1932, was not attended by the Indian National Congress and Gandhi. It was ignored by most other Indian leaders.

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**Outcome:** Again, like in the two previous conferences, little was achieved. The recommendations were published in a White Paper in March 1933 and debated in the British Parliament afterwards. A Joint Select Committee was formed to analyse the recommendations and formulate a new Act for India, and that committee produced a draft Bill in February 1935 which was enforced as the Government of India Act of 1935 in July 1935.

### GANDHI-IRWIN PACT

On January 25, 1931, Gandhi and all other members of the Congress Working Committee (CWC) were released unconditionally. The CWC authorized Gandhi to initiate discussions with the viceroy. As a result of these discussions, a pact was signed between the viceroy, representing the British Indian Government, and Gandhi, representing the Indian people, in Delhi on February 14, 1931. This Delhi Pact, also known as the Gandhi-Irwin Pact, placed Congress on an equal footing with the government.

### Irwin on behalf of the government agreed on:

1. Immediate release of all political prisoners not convicted of violence;
2. Remission of all fines not yet collected;
3. Return of all lands not yet sold to third parties;
4. Lenient treatment to those government servants who had resigned.
5. Right to make salt in coastal villages for personal consumption (not for sale);
6. Right to peaceful and non-aggressive picketing; and
7. Withdrawal of emergency ordinances

### The viceroy, however, turned down two of Gandhi's demands—

- (i) public inquiry into police excesses, and
- (ii) commutation of Bhagat Singh and his comrades' death sentence to life sentence. Gandhi on behalf of the Congress agreed—
  - to suspend the civil disobedience movement, and
  - to participate in the next Round Table Conference.

### KARACHI CONGRESS SESSION 1931

In March 1931, a special session of the Congress was held at Karachi to endorse the Gandhi-Irwin Pact. Six days before the session (which was held on March 29) Bhagat Singh, Sukhdev, and Rajguru were executed. Throughout Gandhi's route to Karachi, he was greeted with black flag demonstrations by the Punjab Naujawan Bharat Sabha, in protest against his failure to secure commutation of the death sentence for Bhagat and his comrades.

### Congress Resolutions at Karachi:

- While disapproving of and dissociating itself from political violence, Congress admired the 'bravery' and 'sacrifice' of the three martyrs.
  - The Delhi Pact or Gandhi-Irwin Pact was endorsed.
  - The goal of purna swaraj was reiterated.
  - Two resolutions were adopted—one on Fundamental Rights and the other on National Economic Programme— which made the session particularly memorable.
  - The Resolution on Fundamental Rights guaranteed:
    - free speech and free press
    - right to form associations
    - right to assemble
    - universal adult franchise
    - equal legal rights irrespective of caste, creed, and sex
  - neutrality of the state in religious matters
  - free and compulsory primary education
  - protection to culture, language, the script of minorities and linguistic groups
- The Resolution on

### National Economic Programme included:

- o substantial reduction in rent and revenue in the case of landholders and peasants
- o exemption from rent for uneconomic holdings
- o relief from agricultural indebtedness
- o control of usury
- o better conditions of work including a living wage, limited hours of work, and protection of women workers in the industrial sector
- o right to workers and peasants to form unions
- o state ownership and control of key industries, mines, and means of transport

### INDIAN NATIONAL CONGRESS

- In the later 1870s and early 1880s, a solid ground had been prepared for the establishment of an all-India organization. The final shape to this idea was given by a retired English civil servant, A.O. Hume, who mobilized leading intellectuals of the time and, with their cooperation, organized the first session of the Indian National Congress at Gokuldas Tejpal Sanskrit College in Bombay in December 1885.

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- the first session of the Indian National Congress was attended by 72 delegates and presided over by Womesh Chandra Bonnerjee. Hereafter, the Congress met every year in December, in a different part of the country each time.
- In 1890, Kadambini Ganguly, the first woman graduate of Calcutta University, addressed the Congress session, which symbolized the commitment of the freedom struggles to give the women of India their due status in national life.
- Remarkable progress made by Japan after 1868 and its emergence as an industrial power opened the eyes of Indians to the fact that economic progress was possible even in an Asian country without any external help. The defeat of the Italian army by Ethiopians (1896), the Boer wars (1899- 1902) where the British faced reverses, and Japan's victory over Russia (1905) demolished myths of European invincibility. Also, the nationalists were inspired by the nationalist movements worldwide—in Ireland, Russia, Egypt, Turkey, Persia, and China.

### Aims and Objectives of the Congress:

The main aims of the Indian National Congress in the initial stage were to:

- found a democratic, nationalist movement;
- politicize and politically educate people;
- establish the headquarters for a movement;
- promote friendly relations among nationalist political workers from different parts of the country;
- develop and propagate an anti-colonial nationalist ideology;
- formulate and present popular demands before the government with a view to unifying the people over a common economic and political program;
- develop and consolidate a feeling of national unity among people irrespective of religion, caste, or province.
- carefully promote and nurture Indian nationhood.
- The new leadership felt the stranglehold of excessive westernization and sensed colonial designs to submerge the Indian national identity in the British Empire. The intellectual and moral inspiration of the new leadership was Indian.
- The younger elements within the Congress were dissatisfied with the achievements of the Moderates during the first 15- 20 years. They were strongly critical of the methods of peaceful and constitutional agitation, popularly known as the "Three P's"— prayer, petition, and protest—and described these methods as 'political mendicancy'.
- A sharp reaction was created in the Indian mind by Curzon's seven-year rule in India which was full of missions, commissions, and omissions. Administrative measures adopted during his rule—the Official Secrets Act, the Indian Universities Act, the Calcutta Corporation Act, and, above all, the partition of Bengal—left no doubt in Indian minds about the basically reactionary nature of British rule in India.
- By the dawn of the twentieth century, a band of nationalist thinkers had emerged who advocated a more extremist approach to political work. These included Raj Narain Bose, Ashwini Kumar Datta, Aurobindo Ghosh, and Bipin Chandra Pal in Bengal; Vishnu Shastri Chiplunkar and Bal Gangadhar Tilak in Maharashtra; and Lala Lajpat Rai in Punjab.

### RISE OF EXTREMISM

#### Factors for growth of Extremism:

- Having seen that the British government was not conceding any of their important demands, the more extremists among those politically conscious got disillusioned and started looking for a more effective mode of political action.
- There was a growing faith in self-effort. Tilak, Aurobindo, and Bipin Chandra Pal repeatedly urged the nationalists to rely on the character and capacities of the Indian people.
- While, on the one hand, the spread of education led to increased awareness among the masses, on the other hand, the rise in unemployment and underemployment among the educated drew attention to poverty and the underdeveloped state of the country's economy under colonial rule.