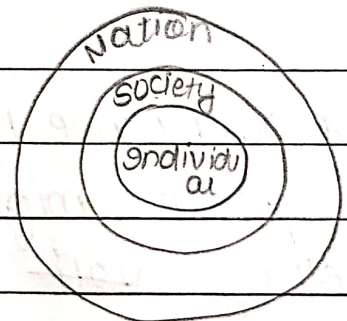


12/ Aug/ 23.

Q. "Equality within communities is more imp than equality b/w communities." Analyse the statement in light of the resolutions passed by various states in support of and against the UCC. (250 words)?

India is a country of diversity and it contains huge number of communities within it. Along with Diversity, comes the concept of Equality.

To build the Equality at high level, that is Nation level, we need to develop equality at ground level, that means Equality within communities.



Many states like Uttar Pradesh, Uttarakhand, Gujarat, Karnataka

Many states like Gujarat, Assam, Madhya Pradesh, Karnataka are in support of UCC. And other states like Rajasthan, Punjab, Mizoram etc are against UCC.



Pros of UCC :

- (1) National Integration : Integration of all citizens of India as a common entity.
- (2) Justice & Gender Equality : As many personal laws are Gender Biased, hence a common code will be Gender Neutral $\Rightarrow$ Justice to all.
- (3) Simplification of legal system : Every Religion have different laws for different topics. Hence UCC will simplify the legal system.
- (4) Old laws are outdated hence there is a need for Modernisation. And changes are required to eliminate the practices that are against human rights.

Cons of UCC :

- (1) Threat to Indian diversity : India is known for its diversity, hence with UCC basic feature of Indian society will get diluted.
- (2) Non acceptance by Religious and minority group : These group might feel that their Art 25 is getting ~~not~~ violate through homogenous law.
- (3) Practical difficulties and implementation complexities : Massive exercise of drafting, codifying, consultation & various stakeholder's participation is required.



Important Cases related to UCC :

Shah Bano v/s Md. Ahmed Khan (1985)
SC upheld the right of Muslim women to claim maintenance from her husband.

Sarla Mudgal v/s Union of India (1995).
A Hindu husband cannot change to Islam and marry another woman without dissolving his 1st marriage.

Shayara Bano v/s Union of India (2017)
The practise of Triple talaq, unconstitutional.

WAY FORWARD :

The UCC should strike a balance and the practises that are unconstitutional should only be strike down.

Consultation and participation of all stakeholders should take place, including Religious leaders, legal experts etc.

As we cannot make everyone happy and satisfied but atleast UCC should contain the perspective and satisfaction of the majority; equally considering Religious minority group's concern.