

# Topics - VCC-options, Laws of different Communities, Pros and Cons

Date ①  
04/09/2020

## → Way Forward

## → financing

Around total Municipal value for the country as whole is about 1 Lakh crore and bulk of it goes towards Staff salaries, pension and operational expenses. The urban local bodies are in no way in a position to meet the financial requirement of the city.

Municipal finances can be improved by giving share of taxes to local bodies. Assured devolution from the centre to state which is passed to local bodies come up with innovative ideas like municipal bonds, congestion charges, PPP can have a setup. However the internal funding alone would not be enough even in large cities. A position has to come from central and state governments. Here we can use central schemes like AMRUT and Smart Cities but eventually India has to move towards a systematic formula rather than adhoc

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grants. for smaller cities a better option would be to give additional guaranteed grants.

## → Local Capacity Building

and expertise

A real step up in the capabilities of urban local bodies will be critical to devolution and improvement of service delivery. Reforms would have to address the development of professional managers who are in short supply and would be required in large numbers. India needs a special cadre <sup>re</sup> of officers for cities as well as allow for lateral entry of private sector executive.

## Urban Policing

1. Floating population
2. Terrorism
3. Traffic Management
4. Community Policing

## Jamaithri Suraksha Project (Kerala)

1. Friends of Police (Tamil Nadu)
2. Mohalla Committee (Maharashtra)
3. Meira Paibi (Manipur Bazar, Assam)

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- Meiyor should be given more power
- Vacancy should be filled up
- No one size fits to the policy should be the Manta.

## Rural Area Requires Support/Attention

Every Area requires a different kind of support. The problem comes when you put hierarchy into it. Urban people becomes more important because they are more visible. This should not be the case.

## Conclusion

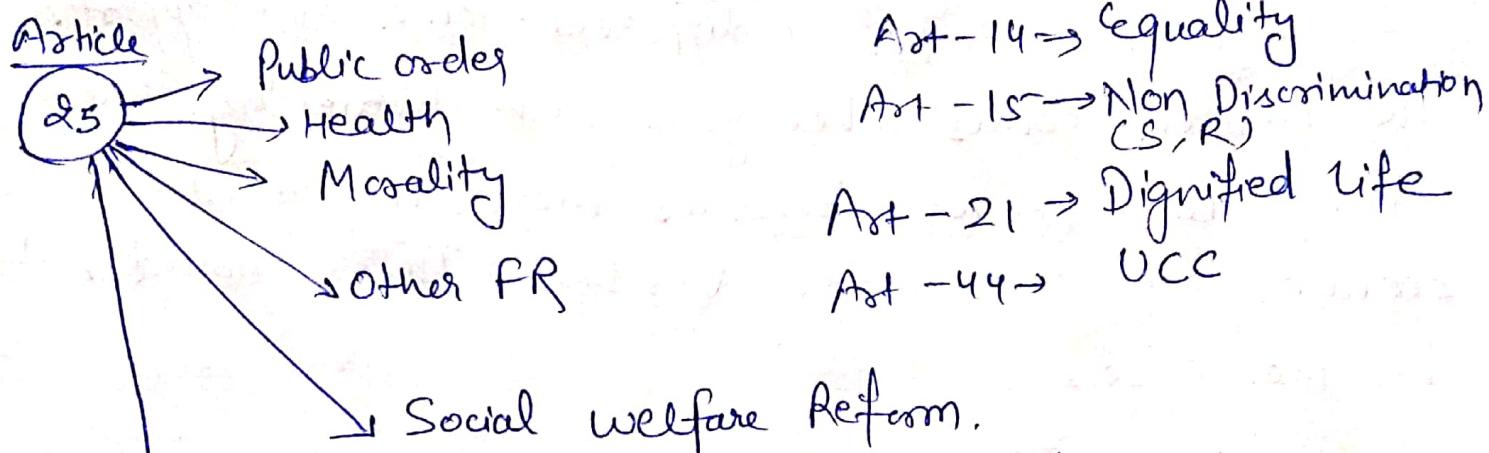
Cities are hubs for ideas, commerce, culture, science and much more. It has enabled people to advance socially and economically. Urbanisation has undermined old forms of political mobilisation based on caste and religious identities. Urbanisation has its impact on all aspects of day to day life. People of extremely divergent culture live together breaking the barriers which earlier used to exist between them resulting in cultural hybridization.

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Q. Discuss the various social problem which originated out of speedy process of Urbanization in India.

Discuss.

## # Uniform Civil Code (Art-44)



Secular Activities associated with Religions

### Options

1. Different
2. Different but remove Discrimination
3. UCC with exceptions
4. Absolute Homogeneity.

In the begining the code shall applied only to those who make a declaration that they are prepared to be bound by it, so that in the initial stage the code may be voluntarily.

# Doctrine of Essentiality  
 (in Shirur Nutt case 1954)

Bombay High Court → Naresu Appeal Case - 1951

### Hindu

1829 - Sati

1856 - Widow Remarriage Act

1858 - Non Interference Hindu Women's Right to Property Act

1937 - Absolute Stridhan Property Rights (Limited Estate).

Hindu Marriage Act - 1955

Hindu Succession Act - 1956

### Hindu Marriage Act

Monogamy #

IPC 494 - Bigamy

Punish - 7 Year.

IPC 495 - 10 Year.

If a person gets converted only to get married  
 the second marriage is illegal.

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## Hindu Succession Act - 1956

### Absolute Right

(not to married women and not on agricultural land)

This anomaly was corrected in the 2005 Amendments

Recently in August 2020 Supreme Court said that a Hindu women right to be a joint Heir to the ancestral property is by birth and does not depend on whether her father was alive or not when the law was enacted in 2005.

## # Christian

### # John Vallamattom Case

{ Christian Marriage Act 1872

{ Indian Divorce Act 1869

{ ISA - 1925 (Indian Succession Act - 1925)

Section 118 of Indian Succession Act is discriminatory against Christian as it imposes unreasonable restriction on their donation of property for religious or charitable purpose by will.

### # Pragati Varghes Case 1997

Section 10 of the Indian Divorce Act was changed.

### # Albert Anthony Case

Two year waiting period was removed to 1 year for Divorce.

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CMA - 1872 - Marriage - 6 am to 7 pm.

## # Parsi

Fire Temple - (Non Parsi are not allowed)

Tower of Silence

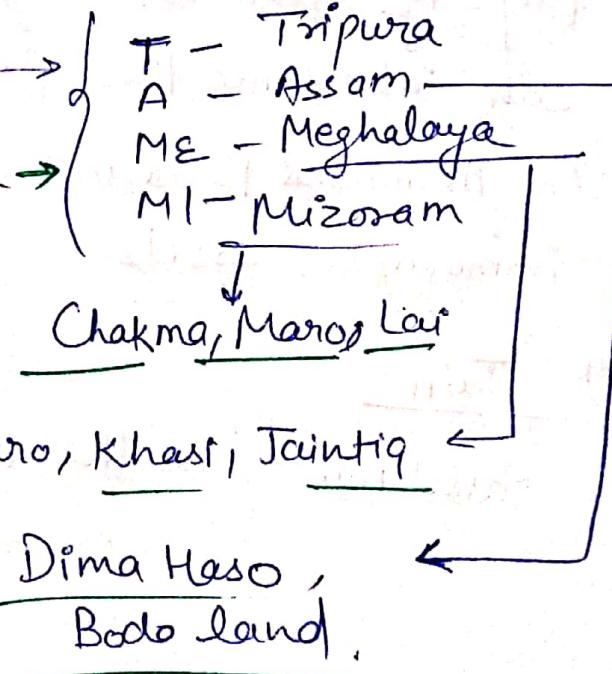
## # Goalnukh Gupta Case

The <sup>a</sup> law commission has said Parsi women should be allowed to retain her identity as a Parsi and should be allowed to go these places, her children should also get inheritance right if they choose to profess the Zoroastrian Religion.

## # Tribals

6<sup>th</sup> Schedule

10 Autonomous District Council



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Art 371 A, No act or law pass by the Union Parliament would have any effect unless approved by the majority vote of Nagaland Legislative Assembly.

- The religious or social practices of Nagas
- The customary laws and procedure.
- Civil and Criminal Justice so far as these concessions decisions according to Naga Customary laws

### 371G

Similar forms of exceptions were extended to other 6th Schedule state.

In Meghalaya the youngest daughter inheritance the property from her mother. In Assam the youngest son inheritance the property.

In Arunachal Pradesh women have no rights over immovable assets.

# Jain

Sallekhana / Santhara

# Muslim

Muslim Personal Law (Shariat)  
Application Act 1937

## Muslim Personal law Application Act 1937

The Shariat Act protect the application of Islamic law in personal legal relation, but Act does not define the laws. It clearly states In matter of personal dispute . The state Shall not interfere .

## Resolution of Muslim Marriage Act 1939

Mehr / Mahar - in Nikah Nama  
In a marriage contract

## Kurshid Ahmed Khan Case 2015

If religious practice run counter to policy of social welfare upon which the state has embarked , the religious practice must give way before the good of the people of the state as a whole .

## Javed vs Haryana 2003

Just because something is permitted does not mean it is mandated

## Sameena Begum Case

Nikah Halala  
Polygamy

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## Divorce

Talaq - e - Ahsan - 1

Talaq - e - Hesan - 3

Talaq - e - biddat - Instant Triple Talaq  
(Innovation)

## \* Samim Ara - 2002

facts

→ leading to Talaq was required to be proven and a mere document stating the date or event would not be considered as valid Talaq.

→ Triple Talaq pronounced without cause and without holding any cancellation proceeding between parties in terms of Islamic laws is invalid.

## Shayara Bano Case

Triple Talaq is not an essential Religious practice for Muslims.

[Art 142 - It allows the Supreme Court to pass any order necessary to do complete justice in any case.]

## # Polygamy

M - 5.7 %

H - 5.8 %

T - 15 %

NPHS 2.1

M - 20.5 %

H - 10.7 %

↓ Answer writing of VCC

Elucidate - Elaborate

Spread Awareness

Inculcation

Aspiration

Implementation