

Supreme Court's triple talaq verdict is a job half done

The Supreme Court's verdict banning the practice of *talaq-e-bidat*—the so-called instant triple talaq—is eminently welcome. In the words of the Bharatiya Muslim Mahila Andolan, one of the six petitioners, “there is no ambiguity in the Constitution of India about all citizens having equal rights”. The practice stands in clear contradiction of that right to equality.

But the verdict also underscores an important point. It was a split decision, with three of the five-member Constitution bench holding triple talaq to be unconstitutional. They, however, reached that outcome without engaging with the central tension between religious practice and law, and constitutional morality. Indeed, one of the majority opinions has judged the matter within the rubric of Islamic practice. This raises the question: what of instances where workarounds such as the ones employed by the majority opinions are unavailable?

This tension is central to the functioning of every liberal democracy. The verdict does little to truly address it. Only the Uniform Civil Code can provide a genuine resolution.

END

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