



UNIFORM CIVIL CODE: CONSTITUTIONAL VICISSITUDE OR AN ENDURING VOLITIVE?

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Abstract

Article 44 of the Indian Constitution states, “The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.” Despite India gaining independence 73 years ago and having its Constitution for nearly 70 years, the Uniform Civil Code (UCC) remains a contentious issue, with no government having seriously addressed it. The primary reason for this is the apprehension among lawmakers about the potential consequences of implementing a uniform code. The UCC can be seen as a major disruption that might undermine the harmonious Ganga-Jamuni culture of India. Implementing such a code would mean that personal matters like marriage, divorce, inheritance, and succession would be governed by a single set of laws. While this idea may seem appealing and straightforward, issues related to customs, religion, and gender have caused significant friction among communities, affecting the constitutional values of secularism and equality. As India seeks to balance and preserve harmony among its diverse population, this article explores the obstacles to modernizing legal practices in the 21st century and questions whether the Uniform Civil Code remains relevant or is merely an elusive goal.

Keywords: Citizens, Constitution, India, State, Uniform Civil Code.

Introduction

Muslim men practicing polygamy and Hindu sons receiving larger shares of their parents’ inheritance compared to their sisters illustrate the disparity in laws based on religion and gender. In India, religious laws govern aspects such as marriage, divorce, maintenance, and guardianship, but these laws often exhibit male-centric biases and inconsistent treatment of women. Despite India’s emphasis on gender equality and the principles enshrined in the Indian Constitution, many laws remain overtly discriminatory against women, impacting their lives significantly. To protect religious freedoms, Parliament has largely neglected its duty to address the plight of women, who are among the most vulnerable in such legal frameworks. This situation underscores one of the key arguments for implementing a Uniform Civil Code².

Supporters of the Uniform Civil Code (UCC) argue that its implementation would foster greater unity among the various religious communities in India, aligning with the constitutional objective of secularism.³ By establishing a single set of laws that applies to all citizens, regardless of their religious affiliations, the UCC could ensure equal treatment for every individual. This uniformity would not only help in achieving a more cohesive legal framework but also simplify the judicial process.⁴ With a standardized legal code, judges would be able to interpret the Constitution and other laws more consistently, reducing discrepancies and making

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2. India, L. C. o., 2018. Reform of Family Law, New Delhi: Government of India.
3. Manooja, D. C., *Uniform civil code: a suggestion*, JOURNAL OF THE INDIAN LAW INSTITUTE, 42, 448-457 (2000).
4. Chhibber, S., *Charting a New Path Toward Gender Equality in India*, INDIANA LAW JOURNAL, 83(2), 695-715 (2008).

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their work more efficient. The overarching goal is to create a more unified society where legal principles are applied equally to all, thereby reinforcing the ideals of fairness and justice that underpin the Indian Constitution⁵.

In addition to every modern nation, post Second World War has adopted some kind of uniformity in their laws. And while, India has had a pluralist tradition for last thousand years and the West discovered pluralism, predominantly after the Second World War, still, India has not been able to identify and realise the significance of intractable social structure.

And it could very well be established that the deepening democratic practices in India have made the society aware of its various bifurcations. Since, the politics is mainly fought on the communal lines, the feeling of creating, maintaining and fighting for one's identity has thus been aggravated manifold. In such a situation, enacting a uniform code could result in numerous splits in the society, thereby actuating a chaos which India might not be able to accommodate.⁶ As we delve deeper into the debate surrounding the Uniform Civil Code, it is essential to understand its historical roots and how the idea has evolved from the colonial period to the present day.

Historical Perspective and Where it All Started for the Uniform Civil Code?

It would be needless at this juncture to discuss any pre-independence situation for the conditions at the time were quite different and an argument could always be made that Indian Government did not have any power or sway essentially over the law-making process. Hence, it would be convenient to start with the Constituent Assembly debates as against the Uniform Civil Code.

It so happened that many Muslim representatives in the Constituent Assembly were in favour of enacting

a uniform code in the draft Article 35, which would bring under its purview various personal laws as well religious institutions⁷.

Mr. Mohamad Ismail Sahib from Madras however suggested to add a proviso which would not oblige a community to give up its personal law in case it had one on the similar matter. He moved for the same to protect the Muslim traditions by citing example of the Yugoslavian legislation which protected the customs of minority Muslims.⁸ Mr. Pocker Sahib Bahadur too supported Mr. Ismail Sahib, stating that even the British had not interfered in the private issues of the people, which been one of the mantras of their success and a major foundation of the administration of justice.⁹

Major oppositions to draft Article 35 were that it infringes Article 19 which promotes equality and also would be hugely tyrannous to the minority. To this, Mr. K.M. Munshi argued that in none of the advanced Muslim countries, the personal law of each minority been recognised as sacrosanct as to prevent the enactment of a Civil Code. He cited Turkey and Egypt as significant examples.

He found it incorrect to label the implementation of a Uniform Civil Code (UCC) as a form of tyranny by the majority. In many European countries with a Civil Code, individuals from all backgrounds, including minorities, are required to adhere to this unified legal framework, and it is not perceived as oppressive. The crux of the issue is whether one should consolidate and unify their personal laws in a manner that would eventually harmonize and secularize the legal system across the country. The aim is to separate religious considerations from personal laws, such as those governing social relations, inheritance, and succession. The relevance of religion in these areas is questionable, and it is challenging to understand why personal and social rights should be influenced by religious doctrines.¹⁰

5. Rani, A., *A Term Paper on Uniform Civil Code*. *International Journal of Advance Research, IDEAS AND INNOVATIONS IN TECHNOLOGY*, 2(6), 64-66 (2016).

6. *Id.*

7. India, L. C, *Reform of Family Law*, New Delhi: Government of India (2018).

8. SINGH K., *The Constitution and Muslim Personal Law*, In *Forging Identities*, Routledge Publications, 96-107 (2019).

9. Leepakshi Rajpal, M. V., *Uniform Civil Code and Its Legal Dimensions*, *JOURNAL OF RESEARCH IN BUSINESS AND MANAGEMENT*, 5(2), 52-57 (2017).

10. Kumar, A. P., *Uniform Civil Code: A Heedless Quest?*, *ECONOMICAL AND POLITICAL WEEKLY*, 51(25) (2016).

Since, Munshi's idea behind a uniform code was absolutely exalting, however, it also proved room to muffle the diverse voices of the nation.

Mr. B.R. Ambedkar, however, not open to putting a proviso on Article 35, had the foresight of inclusion of various communities in the precincts of a uniform code.

He opined that the State should work towards establishing a civil code for its citizens. It does not mandate that once the Code is created, it must be imposed on all citizens solely by virtue of their citizenship. It is entirely feasible that a future Parliament could introduce a provision allowing the Code to apply initially only to those who voluntarily choose to be governed by it. This approach would make the adoption of the Code optional at the outset, allowing Parliament to gauge public response and acceptance. Such a gradual and voluntary implementation is not an unprecedented approach.¹¹

Ambedkar has consistently been a staunch critic of the predominant Hindu religion. In 1936 he had just underlined one of the numerous authoritative opinions that plagued Hinduism, i.e., casteism and untouchability, to the degree that he proceeded to impugn himself as a Hindu. Yet in the Constituent Assembly he precluded the cases from securing UCC being a mouthpiece of the dominant religion or an act of tyranny on the minorities.¹²

He expressed that the way wherein the Shariat Act, 1936 was made relevant to every one of the Muslims in India was a great example how convenient was it to achieve uniformity among various laws in India. He also reiterated that Muslims which were being administered by the Hindu laws in various matters were brought under a common law for their own convenience and the same ought not to be qualified as an act of oppression of the majority on the minority.¹³

Building on this historical backdrop, the judiciary's interpretation and stance on the Uniform Civil Code have played a crucial role in shaping the discourse,

reflecting both the challenges and the potential pathways for its implementation in contemporary India.

Judiciary's Stand on the Uniform Civil Code

It cannot be disputed that judiciary, led by the Hon'ble Supreme Court has consistently been endeavouring towards establishing the uniform common code for the nation. It has isolated various personal practices from the religious precincts and has declared them secular viz. succession laws in Christians, maintenance of Muslim women and so forth.

Further, there have been numerous instances where the judiciary has stressed for framing of a uniform civil code. In *Ms. Jordan Diengdeh versus S.S. Chopra*¹⁴, the petitioner, originally belonging to the 'Khasi Clan' of Meghalaya and was conceived and raised as a Presbyterian Christian. The husband, respondent in this case, was a Sikh. They were married under the Indian Christian Marriage Act 1872. The applicant documented an appeal in 1980, for a decree of nullity of marriage or judicial separation under ss. 18, 19 and 22 of the Indian Divorce Act, 1869, on the grounds of her husband being impotent. The Supreme Court, in its judgement, attested the declaration of judicial separation granted by the subordinate court, since the impotency of the husband made it impossible for the marriage to be consummated.¹⁵

However, if we are to compare and analyse various enactments and statutes of the Indian Christian Marriage Act 1872, Dissolution of Muslim Marriage Act, Divorce Act 1936, Hindu Marriage Act 1955, Special Marriage Act 1954, Parsi Marriage 1939 among the prominent ones, it could be safely inferred that under the Hindu Marriage Act, a pronouncement for the judicial separation might be trailed by a pronouncement for the dissolution of marriage after an year has passed or later than that, starting from when the decree for judicial separation was passed, in cases where there has been no

11. *Id.*

12. S.Sadhana, *A contemporary study on the Uniform Civil Code*, INTERNATIONAL JOURNAL OF PURE AND APPLIED MATHEMATICS, 120(5), 4683-4694 (2018).

13. Shambhavi, UNIFORM CIVIL CODE: THE NECESSITY AND THE ABSURDITY. ILI LAW REVIEW, 1(2), 12-30 (2017).

14. 1985 AIR 935, 1985 SCR SUPPL. (1) 704, AIR 1985 SUPREME COURT 935

15. *Id.*

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resumption of living together.¹⁶ There is no comparing arrangement or provision under the Indian Divorce Act, and an individual getting a decree of judicial separation should stay content with that order and can't try to line it up with a petition for divorce, once the timeframe has lapsed. It is to show that the law relating to divorce or judicial separation and dissolution of marriage is far from being uniform.¹⁷

In *Mohd. Ahmed Khan versus Shah Bano Begum & Ors*¹⁸, the Hon'ble Supreme Court decided that a Muslim husband is bound to maintain his divorced wife even after the period of *iddat*. Though, it needs to be mentioned that while deciding the case, the Hon'ble Supreme Court observed that Art. 44 has actually become a dead letter as there is no proof of any official action by the State for establishing the uniform civil code for the nation. The Court further observed that the notion has been gathering dust since its inception. The Court stressed that a uniform common code will help the reason for national unification by expelling divergent loyalties to the laws which have been clashing belief systems.

In *Lily Thomas v. Association of India*¹⁹, the apex Court took the opportunity to liberally interpret Section 3. of the Muslim Women (Protection of Rights on Divorce) Act 1986 and further, decide that a Muslim lady is entitled for the maintenance considerably after the time of *Iddat*. The court has again emphasized the requirement for uniform common code. Despite the fact that the choice for the maintenance of divorced wife after the period of *Iddat* had been censured as against Shariat by the Orthodox Muslims.²⁰

In *Danial Latifi v. Association of India*²¹, a five judge Supreme Court seat maintained the legitimacy of Muslim Women (Protection of Rights on Divorce) Act 1986 and held that a Muslim separated from women has an option to upkeep considerably after term of *iddat*.

On the off chance that family members are discovered unequipped for maintaining the woman, then the State Wakf Board would pay the maintenance for the same.

In *Sarla Mudgal v. Association of India*, it so happened that a Hindu husband had taken up the Islam and solemnized second marriage. The Hon'ble Court pronounced the marriage as void and the husband was convicted for the offence of bigamy under Section 494 of the India Penal Code 1860. The court has additionally observed that there have been numerous occasions where Hindus have changed over to Islam just to get away from the results of plural marriage. The assurance of abused and the advancement of national respectability can be accomplished through the uniform common code as it were. The court has brought up that the progressive governments in India till-date and have been completely neglectful in their obligation of executing the established command under Art.44.

In *John Vallamttom v. Association of India*, the Hon'ble Court held that the mandate contained in the Art. 44 was not all in encroachment of Articles 25 and 25(2) of the Indian Constitution, which provide for religious freedom.²²

In the case of *Noor Saba Khatoon V. Mohd.Qasim*, the Hon'ble Supreme Court held that under Section 125 of Criminal Procedure Code 1973, the liability of the father to pay maintenance was supreme and absolute when, the children are cohabiting with the divorced wife. The apex Court, further clarified that this privilege isn't confined, influenced or controlled by the wife who is divorced. The Hon'ble Court also observed that Sections 125 and 128 are actually self-contained provisions for the wife, irrespective of the fact that she is divorced or not. Religion has nothing to do with financial laws of the state. Constitution doesn't enable religion to encroach antagonistically on mainstream privileges of the residents.

16. Rao V., *A comparative study of Hindu and Muslim Marriages*, *Indian Journal of Legal Research*, 5(2) (2013).

17. Yadav, R. K., Bala, M., Chaudhary, P., Singh, P., Mittal, A., Kaif, M., and Dudi, M. K., *Social bearing of laws and their implementation with reference to irretrievable breakdown of marriage: A comparative study of laws in India and Asian countries* (2023).

18. 1985 (1) SCALE 767; 1985 (3) SCR 844; 1985 (2) SCC 556; AIR 1985 SC 945

19. 2000(2)ALD(CRI)686, 2000(1)ALT(CRI)363

20. Menon, N., 2016. Its not about the women. *The Hindu*, 18 October, 2.

21. AIR 2001 SUPREME COURT 3958, 2001 AIR SCW 3932

22. Chhibber, S., *Charting a New Path Toward Gender Equality in India*, *Indiana Law Journal*, 83(2), 695-715 (2018).

It appears to be relevant to reference V. R. Krishna Iyer J. who pronounced the judgment in *Bai Tahira v. Ali Hussain Fissalli Chowthia*²³ case, Iyer J. also exhibited an Ambedkarian point of view on common civil code. He observed that rather than being a majoritarian undertaking, the basic code should be an assortment of the best from each arrangement of individual laws.

Iyer J. demands that social independence is not a flat-out utter horror to national solidarity. In any case, strict practices cannot be defended and maintained by giving up the human rights and human pride. Religion cannot and ought not to be permitted to choke out poise, freedom and aspirations of the citizens.²⁴

Another issue which may go missing is that what should the judiciary do when it faces the task of declaring a particular practice as unconstitutional but allow the same practice to be fully legal for a different sect of women, just for a reason that their persona laws allow the latter section to do so?

On account of *State of Bombay v. Narasu Appa Mali*, the Hon'ble Supreme Court was provided with a similar task. It was the Bombay (Prevention of Hindu Bigamous Marriages) Act, 1946 which was to be interpreted and whose constitutional validity was to be examined by the High Court of Bombay. One of the two significant disputes was that it was violative of articles 14 and 15 since the Hindus were singled out to nullify plural marriage while the Muslim partners stayed at full freedom to contract more than one marriage, and this was segregation on the grounds of religion. Questions, for example, these were raised because of a nonappearance of a typical common code and conflict of various standards in various individual laws. M.C. Chagla J. maintained the legitimacy of the Act by expressing that it was not violative of any Fundamental Right since such denial ought to not be seen through the perspective of strict segregation. He contended that the Muslims and Hindus contrasted from one another in religion, however in verifiable foundation social standpoint towards life and different contemplations.

The State Legislature may have believed that the Hindu community was more prepared for the proposed reform.

Social reformers within the Hindu community had been advocating for this change vehemently for many years, and the Legislature might have perceived the social conscience of Hindus to be more aligned with the spirit of the reform. Additionally, among Muslims, divorce has always been permissible, and marriage is considered a contract. Therefore, if the State Legislature decided to implement the reform first among Hindus based on these considerations, it would not be reasonable to argue that this decision violated the equality before the law guaranteed by Article 14. Consequently, the claim that the impugned Act breaches Article 14 must be dismissed.

The Judiciary, through a series of landmark judgments, has consistently underscored the potential of a Uniform Civil Code to ensure equality and justice for all citizens, particularly highlighting its promise to safeguard women's rights and promote gender equality. Notable cases, such as the Shah Bano case and the Shayara Bano case, have emphasized the need for uniform laws that transcend religious boundaries to protect individual freedoms and uphold constitutional values. While these rulings reflect a judicial inclination towards a more equitable legal framework, they also reveal a complex interplay between legal principles and societal norms. However, the Judiciary's advocacy for a UCC raises important questions about its actual impact on women's lives, especially when considering the diverse cultural contexts and personal laws that govern them.

Voice of the Women

Despite the Judiciary's endorsement of a Uniform Civil Code as a mechanism for ensuring women's rights, a deeper examination reveals a more nuanced reality. The discourse surrounding the UCC often claims to champion women's empowerment, but it is crucial to ask whether the proposed changes genuinely reflect the needs and aspirations of women or merely serve as a convenient tool for political manoeuvring²⁵. Many argue that the focus on a Uniform Civil Code overlooks the specific challenges faced by women under various personal laws and fails to address the broader issues of gender inequality that persist across different commu-

23. 1979 AIR 362, 1979 SCR (2) 75, AIR 1979 SUPREME COURT 362

24. Shambhavi, *Uniform Civil Code: The Necessity and The Absurdity*. IJI LAW REVIEW, 1(2), 12-30 (2017).

25. N. Menon, *A Uniform Civil Code in India: The State of the Debate in 2014*, 40(2), Feminist Studies, 480, 486, (2014).

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nities²⁶. This raises a fundamental question: Is the push for a UCC genuinely about uplifting women, or is it more about scoring political points and consolidating power under the guise of reform?

Before simply searching the answers, it would be better if a usual question is asked of ourselves, albeit in a different way and the question is, “Who actually suffers without a Uniform Civil Code?” Is it Muslim ladies, casualties of polygamy and triple talaq, as Hindutvavadi intelligence, has it? Be that as it may, for quite a long time, women activists have effectively utilized both the Protection of Women from Domestic Violence Act, 2005 — that is accessible to every single Indian resident paying little respect to strict personality — just as the Muslim Women (Protection of Rights on Divorce) Act, 1986, to manage polygamy and triple talaq, and to get support, kid care and rights to marital home for innumerable Muslim ladies. Furthermore, women legitimate activists have utilized the milestone *Shamim Ara v. Province of U.P.*²⁷ (2002) administering to support their case that self-assertive triple talaq is invalid.

Besides, polygamy is not selective to Muslims. Hindu men are polygamous as well, then again, actually on the grounds that polygamy is lawfully restricted in Hindu law, ensuing spouses have no legitimate standing and no security under the law. Under Sharia law, despite what might be expected, resulting spouses have rights and husbands have commitments towards them. In the event that sexual orientation equity is the worth we embrace, instead of monogamy as such, we would consider how to ensure “spouses” in the male centric organization of marriage. “Spouses” are created through the organization of mandatory hetero marriage, the premise of which is the sexual division of work. This establishment is continued by the beneficial and regenerative work of ladies, and practically all ladies are solely prepared to be spouses alone.²⁸

In this manner, when a marriage neglects to satisfy its man centric guarantee of security as an end-result of that work, all that most ladies are left with is the limit with regards to incompetent work. Or then again, they

stay caught in marriage with youngsters to accommodate, while men wed once more, legitimately or something else, delivering still increasingly reliant, misused spouses and kids for whom they assume no liability. In the event that sexual orientation equity is the purpose of legitimate changes, the centrality and intensity of the mandatory hetero, male centric marriage, and the harm it can do to women, is the thing that must be relieved. This would mean perceiving the truth of numerous “spouses” as a typical practice crosswise over networks, and the security of the privileges of all women in such connections.

In this sense, later the Supreme Court decisions that have allowed rights to second spouses in Hindu relationships weaken the legitimate remaining of monogamy for Hindus. Uniform Civil Code is constantly pestered around the development around the privileges of women. It is commended as a definitive answer to get rid of a significant number of the discrimination between the social and the gender structure.

As stated above, even in the Constituent Assembly Debates, victimization and the oppression of women was one of the major supporting causes for the enactment of the Article 35.

The members who were opposing the establishment of a uniform civil code despicably evaded the subject of rise of the status of women and concentrated distinctly on the social difference and strength of majority. Nobody attempted to scrutinize the functional working of a typical common code and how would it be advantageous in the drive for privileges of women in our nation. Incidentally, none of the women individuals took an interest in the discussion on article 35 and the proposed future possibility of verifying a uniform common code. K.M. Munshi engaged the House that non-attendance of uniform individual law would add up to every single biased work on being secured under the domain of strict opportunity and subsequently rendering incomprehensible for authoritative changes to address them as they would be struck down on the reason of religion.²⁹

26. L. Seth, A Uniform Civil Code: Towards Gender Justice, 31(4) India International Centre Quarterly 40, 54 (2005).

27. Dixie Morrison, *Shamim Ara v. State of U.P. & Anr* (Supreme Court of India 2002) and the “Judicialization” of Divorce, 1 J. Islamic L. (2020), <https://journalofislamiclaw.com/current/article/view/morrison> (last visited Aug. 14, 2024).

28. *Id.*

29. *Id.*

Since the Hindu individual law has been arranged, the privileges of Hindu women have taken a secondary lounge, thought to be all around ensured by a systematized individual law and in a superior position than a Muslim woman, who still endures the brunt of their age-old individual law. Notwithstanding the codification of Hindu individual law and general utilization of the classified law, it has not had the option to address the subject of social change appropriately. The voice of the Hindu women, which talks about the halfway disappointment of uniform law, was lost in the clamour of secularism, and superfluous glorification of uniform common law.

A review directed by the Bharatiya Muslim Mahila Andolan, a huge voice in the discussion, found that more than 90 percent of Muslim ladies in India need a restriction on “triple talaq” and polygamy in Muslim Personal Law.³⁰ That is, the interest is made inside the structure of systematizing Muslim Personal Law, not for a Uniform Civil Code, mostly in light of the fact that there is no lucidity on what a uniform code would resemble.

While the debate on the Uniform Civil Code often emphasizes women’s rights and gender justice, it remains unclear whether a uniform set of laws would truly cater to the diverse needs of women across various communities or merely impose a different form of standardization that may overlook unique cultural contexts. The distinct personal laws currently in place have varied implications for women’s rights, and a uniform approach might not address all facets of gender inequality. To gain a clearer perspective on the practical application and impact of a Uniform Civil Code, it is helpful to examine the example of Goa, which has implemented such a code for all its residents, offering insights into the challenges and outcomes of this legal framework.

Taking a Note from the Goa Chapter

The primary instance of a uniform code in India is the Portuguese Civil Procedure Code (1939) of Goa, which is neither ‘uniform’ nor gender neutral. Marriage laws vary for Catholics and individuals of different religions, and on the off chance that a marriage is solemnized in chapel, at that point Church law applies, allowing, for instance, discretionary cancellation at the command of one of the gatherings. The “traditions and uses” of the Hindus of Goa are perceived, including “restricted” polygamy for Hindus.

The positive part of Goa’s Civil Code is the Community Property Law, which ensures every mate 50 percent of all advantages claimed and due to be acquired at the hour of marriage. Nonetheless, this arrangement can be evaded by and by, given the power relations in a marriage, and studies show that it has not had any effect on the occurrence of abusive behaviour at home.³¹

Obviously, if sexual orientation equity is not organized, it can strengthen male centric society and majoritarianism. The woman at the focal point of this ongoing round of discussion on the Uniform Civil Code is Shayara Bano, who got talaq by post³². Her legal advisor, rather than utilizing any of the three recourses accessible examined above — the Protection of Women from Domestic Violence Act, 2005, the Muslim Women (Protection of Rights on Divorce) Act, 1986, or the reference of the *Shamim Ara v. Province of U.P. (2002)* judgment — chose to document a Public Interest Litigation in the Supreme Court testing triple talaq on the grounds of infringement of Fundamental Rights.³³ Ms. Bano is currently in the media spotlight, energetically condemning man-controlled society in the Muslim people group. Revealingly, an ongoing meeting with her in a national paper finished up with a frightening inquiry — “Shouldn’t something be said about the ‘Bharat Mata ki Jai’ trademark discussion?” Ms. Bano answers, “I feel all Muslims should state Bharat Maa ki Jai.”

30. V. Narain, *Constitutionalising Muslim Women’s Rights: A Perspective from India*, Manchester Journal of Transnational Islamic Law & Practice 19(1), (2023).

31. *Id.*

32. S. Ahmed, S. Ahmed, *Uniform Civil Code (Article 44 of the Constitution) A Dead Letter*, The Indian Journal of Political Science 545, 552 (2006).

33. V. Narain, *Reconciling Constitutional Law, Gender Equality and Religious Difference: Lessons from Shayara Bano, India’s Triple Talaq Decision*, The Asian Yearbook of Human Rights and Humanitarian Law 345, 377 (2021).

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The inquiry regarding the seeming irrelevance of Ms. Bano's struggle for individual justice in relation to the mandatory recitation of "Bharat Mata ki Jai" is, in fact, not extraneous but fundamentally pertinent to the discourse. This juxtaposition highlights a deeper, systemic issue wherein the imposition of nationalistic slogans intersects with a woman's fight against patriarchal structures. The seeming discordance between her personal battle and the enforced expression of patriotic sentiments underscores the broader implications of the demand for a Uniform Civil Code.³⁴

It compels us to scrutinize the underlying motivations and potential consequences of such demands, revealing that they may serve to further entrench existing power dynamics rather than addressing the core issues of gender justice and individual rights. The centrality of this question in the interview should alert us to the multifaceted dimensions and the true nature of the advocacy for a Uniform Civil Code, which extends beyond mere legal uniformity to touch upon the very fabric of personal freedoms and societal norms.

Analysing the implementation of the Uniform Civil Code in Goa reveals both the potential benefits and inherent complexities of enforcing a uniform legal framework across diverse populations. While Goa's code has been lauded for promoting a sense of equality and uniformity in civil matters, it also highlights the challenges of balancing tradition, cultural identity, and modern legal standards.

Conclusion

In addressing the complex issue of a Uniform Civil Code (UCC), two major questions demand attention, often overlooked amidst the current fervour surrounding the topic. First, how can consistency in personal laws be achieved without disrupting the intrinsic essence of diverse communities and their unique social fabrics? This question necessitates a delicate balancing act, considering the deep-rooted cultural and religious traditions that constitute the foundation of many societal norms. Any attempt to homogenize personal laws must be carefully crafted to preserve the fundamental identities and values of various groups. Second, what parameters can guide us in discerning which practices

are beneficial for society and should be perpetuated, and which should be discarded?

This evaluation requires a comprehensive framework that considers historical significance, social utility, human rights, and contemporary relevance. Only through such a nuanced approach can we ensure that the implementation of a UCC fosters social cohesion while respecting the intricate mosaic of our society.

If these questions are not answered first, then, the whole harmonious structure of India's unity is bound to fall since, India would be committing the same mistake which America did, of treating the indigenous people as brutes.

An Indian Civil Code could prove to be useful to liberate the supporters of uncodified common laws in India from their strict abotts, who are self-assertively forcing their impulses for the sake of the elucidation of the individual common laws. In this, none of the individual common laws ought to be thought about with others; rather ought to be tried at the Indian constitutional ideals of freedom, equity, and balance. Endeavor ought to be done to dismember common exercises from the strict one. It is prominent that numerous strict orders viz., adoption, succession, maintenance, gift have been as of now have come to be seen as secular.

Considering the aforementioned aspects and the essential principles enshrined within the Indian Constitution, it becomes imperative to classify these common exercises with a focus on their religious context. Doing so ensures that they are aligned with the constitutional values espoused, particularly those related to freedom of religion and secularism. This classification helps to avoid any potential inflammatory situations that may arise from religious practices being misinterpreted or misapplied. By meticulously categorizing these exercises according to constitutional provisions, it fosters a harmonious environment where religious diversity is respected and preserved, thus upholding the pluralistic ethos of the Indian society. Furthermore, this approach aids in maintaining social equilibrium and promoting mutual understanding among diverse religious communities, thereby pre-empting any contentious scenarios.

Further, it is to be seen whether uniformity in laws could actually eradicate gender inequality. The individual law of one society, without a question are specked

34. Narayan, Y., Intersectionality, nationalisms, biocoloniality. *Ethnic and Racial Studies*, 42(8), 1225-1244 (2019).

with numerous angles which are conflicting to the feeling of sex correspondence existing in that society. The initial step along these lines is to destroy those uncalled for rehearses which are endemic to that particular society. Rather than speedily making a uniform meaning of injustice and disparity it is essential that every social order first perceive the meanings of disparity and foul play inside their unconventional circle of life.

India is indeed a land with differing strict rehearses. Here, still religion plays significant role in family matters. Classified Hindu Laws are too rendering freedom to rehearse standard practices, which have been produced from the Hindu strict foundations, in some family matters; yet had cubed the Hindu strict orders by and large to bring it along the Indian Constitutional commands of freedom, equity, balance and brotherhood. Individual laws can be spread into various strict organizations and orders in a single content in India with consistency. At last, it will secure and advance the principal human privileges of all.

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