

UNIFORM CIVIL CODE IN INDIA: A SOCIO- LEGAL PERSPECTIVE

Shantanu Pachauri¹

Abstract

Part IV of the Constitution of India provides for the Directive Principles of State Policy. Though these principles are non-enforceable but are indispensable in the governance of the country. One such directive principle is given under Article 44 of the Constitution which creates an obligation on the state to enact a Uniform Civil Code. Over the years various directions have been issued by the Supreme Court for its implementation. But, due to excessive politicization it is still a distant dream. In the absence of a uniform law regarding personal matters like marriage, divorce, adoptions, etc., various personal laws are applicable to different religious communities. These laws find their source and authority in their religious texts and customs which provides for gender discriminatory practices. The paper aims to achieve a balance between Right to Freedom of Religion and Right to Equality by segregating the 'essential religious practices' and 'secular activities'. The need of the hour is to enact a Uniform Civil Code but that should be done slowly and gradually after making the people especially the minorities, aware about its scope and extent.

Keywords: essential religious practices, personal laws, Right to Freedom of Religion, Right to Equality, secular activities, Uniform Civil Code etc.

Introduction

"Injustice anywhere is a threat to justice everywhere"- Martin Luther King

On 26th November, 1949 we, the people of India gave to ourselves a constitution, constituting India into a [Sovereign, Socialist, Secular, Democratic and Republic]² which guarantees Justice, Liberty, Equality and Fraternity. The Constitution of India is the *grundnorm* which provides all its citizens, Fundamental Rights under Part III and the mechanism to enforce them. Also, Directive Principles of State Policy under Part IV provides for rights which are non-enforceable but the principles laid down are nevertheless fundamental in the governance of the country and it is the duty of the state to apply these principles in making laws.³ One such Directive Principle is given under Article 44 which reads:

"The State shall endeavour to secure for the citizens uniform civil code throughout the territory of India"

¹ National Law Institute University, Bhopal (India); shantanupachauri@gmail.com

² The Constitution of India, Preamble.

³ The Constitution of India, art 37.

Uniform Civil Code (“UCC”) is similar to the Uniform Criminal Code which is applicable to all the communities irrespective of their religion, race, caste, creed etc. Civil Code relates to various aspects of personal relations such as contracts, property, marriage and inheritance such as the Indian Contract Act, Transfer of Property Act, Code of Civil Procedure which are applicable uniformly throughout the territory of India. . But, apart from these civil laws there remains a separate field of laws which are not uniformly applied. Laws relating to marriages, divorce, succession, adoptions, maintenance etc. which are different for different religions, sometimes termed as ‘Personal Law’ that governs a person’s family usually regardless of where the person goes.⁴The Lex Loci Report of October 1840 emphasized on the importance and necessity of uniformity in codification of Indian law relating to crimes, evidence, contract etc., but it recommended that personal laws of Hindus and Muslims should be kept outside the ambit of such codification.⁵Some of these laws, particularly Hindu laws, have now been codified while others continue to apply to the religious communities as uncodified personal laws.

Article 44 of the Constitution of India creates a positive duty on part of the State to enact a UCC which is applicable uniformly throughout the territory of India irrespective of religion, race, caste, creed etc. But, even after 66 years of enactment, it remains a dead letter law. In light of the recent judgements this paper examines and analyses the socio- legal aspects of a UCC in India.

Methodology

The paper examines constitutionality of a UCC in India by referring to the intentions of the founding fathers of the Constitution upon the issue. It then traces the judicial developments as a result of judicial activism. . Further, the author formulates certain questions and provides explanations for the same. The paper then creates a balance between Right to Equality and Right to Freedom of Religion. The paper finally attempts to provide a solution to the problem.

Constituent Assembly Debates

The Sub- Committee of the Fundamental Rights had included UCC as one of the Directive Principles of State Policy. Article 35 of the draft Constitution read: “*The State shall endeavour to secure for citizens a Uniform Civil Code throughout the territory of India*”.⁶However, it was recommended that while a UCC is highly desirable, its application should be made on an entirely voluntary basis.⁷

⁴ Henry Campbell Black, ‘Black’s Law Dictionary’ (6thedn, West Publishing Co., 1995).

⁵Abul Bashar Mohammad Abu and Noman Saeed Ahsan Khalid, ‘Uniform Family Code: An Appraisal of Viability in Pluralistic Bangladeshi Society’ (2011) 16 The Chittagong University Journal of Law.<[http://www.culaw.ac.bd/files/jurnal-2011/Vol.%20XVI,%202011%20\(p.81-109\).pdf](http://www.culaw.ac.bd/files/jurnal-2011/Vol.%20XVI,%202011%20(p.81-109).pdf)> accessed 26 December 2015.

⁶CA Deb 23 November 1948, vol 7, 541.

⁷B. Shiva Rao, *The Framing of India’s Constitution* vol 2 (1st edn, Universal Law Publishing Co. Pvt. Ltd. 2012) 206.

The motion was strongly contested by the Muslim representatives on the ground that interferences in Muslim Personal Laws would amount to infringement of their Fundamental Rights. Mohammed Ismail Sahib, Naziruddin Ahmed, Mahmood Ali Baig Sahib Bahadur and B. Pocker Sahib Bahadur proposed various amendments to Article 35 of the draft Constitution. They sought the insertion of a proviso to the effect of 'nothing in this Article shall affect the personal law of the citizen'.⁸ 'No community shall be obliged to give up its own personal law' which shall not be changed except with their prior approval¹⁰.

Alladi Krishnaswami Ayyar convincingly rebutted their arguments by saying that a civil code runs into every department of civil relations to the law of contracts, to the law of property and similar matters. "How can there be any objection to the general statement here that the State shall endeavour to secure a uniform civil code throughout the territory of India?"¹¹ K.M. Munshi then drew the attention of the House towards the Hindu Law Draft which was before the legislative assembly. He argued that most of the provisions of the new Bill run counter to the injunctions by *Manu* and *Yagnyavalkya*.¹² He then emphasized that after all we are an advancing society and in a stage where we must unify and consolidate the nation by every means without interfering with religious practices.

Dr. Ambedkar, the principal architect of the Indian Constitution refused to accept the amendments which had been moved to this article. He was strongly in favour of a UCC and argued, "We have a uniform and complete Criminal Code operating throughout the country, which is contained in the Penal Code and the Criminal Procedure Code. This country has also practically a Civil Code, uniform in its content and applicable to the whole of the country. The only province the Civil Law has not been able to invade so far is Marriage and Succession. It is this little corner which we have not been able to invade so far."¹³

Judicial Developments

In 1985, for the first time in Indian history, the Supreme Court in *Mohammad Ahmed Khan v. Shah Bano Begum*¹⁴, directed the Parliament to enact a UCC. The court said that it is a matter of regret that Article 44 of our Constitution has remained a dead letter. A common Civil Code will help the cause of national integration by removing disparate loyalties to laws which have conflicting ideologies. This was reiterated in *Jorden Diengdeh v. S.S. Chopra* wherein the Court was of the view that a legislative intervention was warranted in order to provide for a uniform code of marriage and divorce.¹⁵ The court in *Sarla Mudgal v. Union of India*¹⁶ insisted on the need for a UCC and held

⁸ibid, 543.

⁹ibid, 540.

¹⁰ibid, 541.

¹¹ibid, 549.

¹²ibid, 547.

¹³ibid, 550.

¹⁴*Mohammad Ahmed Khan v. Shah Bano Begum* (1985) 2 SCC 556.

¹⁵*Jorden Diengdeh v. S.S. Chopra* (1985) 3 SCC 62; *Arunima Bhattacharjee v. Shyama Prasad Bhattacharjee* AIR 2004 Cal 161.

¹⁶*Sarla Mudgal v. Union of India* (1995) 3 SCC 635.

that fundamental rights relating to religion of members of any community would not be affected thereby.¹⁷

After *SarlaMudgal's* case there appears a slight shift in the judicial trend. The court in *PannalalBansilal v. State of Andhra Pradesh* emphasized that a uniform law, though highly desirable, enactment thereof in one go perhaps may be counter-productive to unity and integrity of the nation.¹⁸ In a democratic country like India which is governed by the rule of law, laws should be made uniform slowly and gradually and not abruptly. The Government should entrust the responsibility to the Law Commission which may in consultation with Minorities Commission examine the matter and bring about a comprehensive legislation.¹⁹ The court also clarified that the opinion of the court in *SarlaMudgal's* case is not binding and is merely a suggestion. But, in the year 2003, Chief Justice V.N. Khare in *John Vallamattom v. Union of India*²⁰ again insisted that a uniform civil code will help the cause of national integration by removing the contradictions based on ideologies.

In past few years the courts through judicial activism have made efforts to get rid of gender discriminatory practices which are in disguise of religious practices. More recently on 23rd September 2015, the Gujarat High Court in *YunusbaiUsmanbhaiShaikh v. State of Gujarat*²¹ ordered to stop Muslim Polygamy which it termed as "heinously patriarchal".²² After one month in October, the Supreme Court in *Prakash v. Phulavati*²³ ordered an examination of practices like polygamy and triple *talaq* in Muslim Personal law and declared them "injurious to public morals".²⁴ The Supreme Court's latest reminder for implementation of UCC came on 12th October 2015. The court observed that there is "total confusion" due to personal laws governing different religious practices and asked the Centre whether it was willing to implement Uniform Civil Code in the country.²⁵

Observations

Arguments & Counter-arguments

¹⁷ *Maharishi Avadesh v. Union of India* (1994) 1 Supp SCC 713; *Ahmedabad Women Action Group v. Union of India* AIR 1997 SC 3614; *ReymondRajamani v. Union of India* AIR 1982 SC 1261.

¹⁸ *PannalalBansilal v. State of Andhra Pradesh* 1996 (2) SCC 498.

¹⁹ *Lily Thomas v. Union of India* (2000) 6 SCC 224.

²⁰ *John Vallamattom v. Union of India* (2003) 6 SCC 611.

²¹ *YunusbaiUsmanbhaiShaikh v. State of Gujarat* (2015)3GLR2512.

²² Saeed Khan, 'Stop Muslim Polygamy, its 'heinously patriarchal' says Gujarat High Court, pitching for a Uniform Civil Code' *The Economic Times* (Ahmedabad, 6 November 2015). <<http://economictimes.indiatimes.com/news/politics-and-nation/stop-muslim-polygamy-its-heinously-patriarchal-says-gujarat-hc-pitching-for-a-common-civil-code/articleshow/49683665.cms>> accessed on 25 December 2015

²³ *Prakash v. Phulavati* 2015(11)SCALE643.

²⁴ BhadraSinha, 'SC to examine Muslim personal law, aim to end gender bias' *The Hindustan Times* (New Delhi 28 October 2015) <<http://www.hindustantimes.com/india/sc-to-examine-muslim-personal-law-for-polygamy-triple-talaq/story-qpLYAycFxuLkHyv8zCRTL.html>> accessed 25 December 2015.

²⁵ UtkarshAnand, 'Uniform Civil Code: There's total confusion, why can't it be done, SC asks govt' *The Indian Express* (New Delhi, 13 October 2015) <<http://indianexpress.com/article/india/india-news-india/uniform-civil-code-supreme-court-asks-govt-why-cant-it-be-done-tell-us-your-plan/>> accessed 10 January 2016.

One of the arguments given by the minorities against the enactment of Uniform Civil Code is that it infringes their Fundamental Right to Freedom of Religion. It is their Fundamental Right *to profess, practice and propagate religion* by following their personal laws. But, a valid question arises as to how a practice (like triple *talaq*) may be considered within the purview of religious activity despite the fact that it is not sanctioned by the religious text? In Muslim Law, *talaq-al-bidat* is considered as an impure form of divorce.²⁶ There is no sanction in the Quran regarding *talaq-al-bidat* and *shias* do not recognise its validity.²⁷ Even though contrary to the Shariat, the *sunnis* follow this form of *talaq* as an irregular form. As a matter of fact, many Muslim countries have reformed their Muslim Personal Laws and abolished gender discriminatory practices like polygyny and triple *talaq*. The practice of having more than one wife is totally prohibited in Tunisia and Turkey and in countries like Pakistan, Bangladesh, Indonesia, Iraq, Somalia, Syria, Egypt, Morocco, Iran it is severely restricted.²⁸ Also, the practice of triple *talaq* has been abolished in Egypt, Jordan, Sudan, Indonesia, Tunisia, Syria and Iraq. In Pakistan and Bangladesh any form of extra-judicial *talaqis* not valid unless confirmed by an Arbitration Council.²⁹ If Muslim countries can reform Muslim Personal Law then why are Indian Muslims living under laws passed in the 1930s?³⁰ The personal laws of other communities including Muslims should be reformed similar to that of reforms in Hindu laws as proposed by 174th Law Commission Report.³¹

Another argument against the enactment is that the minorities are not ready for its implementation and the call should come from the community only. Even after 66 years of enactment of Article 44 the communities are not ready, then when will they be ready is a question that needs to be answered. Was the Hindu community ready when the Shastric Hindu laws were drastically changed in 1955-56?³² If the issue of willingness would be checked before the enactment, then laws dealing with sati, child labour, forced labour, widow remarriage, female infanticide etc. could have never been enacted.

In USA, Australia, UK and other parts of Europe, various minorities including Muslims have accepted the civil laws applicable uniformly to all citizens.³³ Why do minorities in India have such a feeling of insecurity? The answer to that is the issue of UCC has been politicized by the political parties and there is a lack of political courage to bring about change. There is a fear of losing votes of the minorities especially of Muslims and this is the reason why Article 44 is still a dead letter law even after 66 years of enactment.

Another argument against its enactment is that the Personal laws must not be subjected to Part III of the Constitution as the word law in Article 13(4) does not include Personal Laws. In

²⁶ M. Hidayatullah, *Mulla Principles of Mahomedan Law* (19th edn, Lexis Nexis 2011) 261.

²⁷ Hidayatullah (n 25) 261.

²⁸ Durga Das Basu, *Commentary on the Constitution of India* vol 3 (8th edn, Lexis Nexis 2008) 4132.

²⁹ *ibid*.

³⁰ Raya Hazarik, 'Should India have a Uniform Civil Code?' (25 October 2010).

<<http://ssrn.com/abstract=1697580>> accessed 10 January 2016.

³¹ Law Commission, *Property Rights of Women: Proposed Reforms under the Hindu Law* (Law Com No 174, 2000). <<http://www.lawcommissionofindia.nic.in/kerala.htm>> accessed 10 January 2016.

³² Leila Seth, 'A Uniform Civil Code: towards gender justice' (2005) 31 *India International Centre Quarterly* 40.

³³ Raya (n 29).

*HarvinderKaur v. Harmandar Singh*³⁴, the court even compared the introduction of constitutional law in personal laws as 'introducing a bull in a china shop.' But, this view was criticised by several jurists. Justice A. M. Bhattacharjee argued that how can a personal law which is enforced everyday by courts not be 'law' especially when 'custom' is included in Article 13 to attract the fundamental rights dispensation?³⁵

It is true that the judges cannot give orders or direct the legislature to make laws. The question of a common civil code is a matter of policy and the concern of the legislature, not of courts.³⁶ Therefore, the directions issued by them for implementation of UCC are not binding and are merely suggestions. But having said that we should not forget the intention of the founding fathers of the Constitution. Article 44 is a mandatory provision binding the Government, and it is incumbent upon it to give effect to this provision. The Constitution was enacted for the whole country, it is binding for the whole country, and every section and community must accept its provision and its directives.³⁷

Further, there is also a question whether it is possible to reconcile the personal laws of various communities and enact a uniform code? It is true that it is not possible to reconcile the religious customs and practices of various communities but it is possible to harmonize the secular part of those religions. Personal laws pertain to secular activities and hence fall within the regulatory power of the state.³⁸ It means similar to the Uniform Civil Code in Goa, a UCC if enacted would deal only with the secular part of the religion and not the essential religious practices. How can the maintenance of a Muslim woman be different from a woman from other community? Therefore, issues like maintenance are outside the ambit of 'essential religious practices' and comes within the purview of secular practices.

The biggest hurdle in the way of its implementation is the feeling of losing their religious identity among the minorities. How can there be any apprehension of losing their identity when the Constitution guarantees Right to Freedom of Religion and Cultural and Educational Rights in Part III? The Constitution guarantees freedom of religion, freedom of conscience, and freedom to profess, practice and propagate religion, to all persons in India.³⁹ It also guarantees to the minority the right to conserve their language, script or culture⁴⁰ and also the right to establish and administer educational institutions⁴¹. Moreover, Article 27 of the International Covenant on Civil and Political Rights ("ICCPR") reads:

³⁴ *HarvinderKaur v. Harmandar Singh Choudhry* AIR 1984 Delhi 66.

³⁵ Rajeev Dhavan, 'Codifying personal laws' *The Hindu* (1 August 2003). <<http://www.thehindu.com/thehindu/2003/08/01/stories/2003080100521000.htm>> accessed 2 January 2016.

³⁶ *Lily Thomas v. Union of India* (2000) 6 SCC 224.

³⁷ Basu (n 27).

³⁸ Prof. MP Jain, *Indian Constitutional Law* (6thedn, Lexis Nexis 2010) 1510.

³⁹ The Constitution of India, art 25(1).

⁴⁰ The Constitution of India, art 29(1).

⁴¹ The Constitution of India, art 29(2).

“In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”⁴²

But, the argument is that the right to be governed under different personal laws is within the ambit of Article 25 and the same will be violated if UCC comes into existence. The next part of the paper will make this point clear.

⁴² International Covenant on Civil and Political Rights. Adopted by the General Assembly of the United Nations on 19 December 1966 <<https://treaties.un.org/doc/Publication/UNTS/Volume%20999/volume-999-I-14668-English.pdf>> accessed 10 January 2015.

Balancing Right to Equality and Freedom of Religion

Fundamental Rights in India are not absolute in nature and the Right to Freedom of Religion as provided under Article 25(1) of the Constitution is no exception. Article 25(1) guarantees freedom of religion, freedom of conscience, and freedom to profess, practice and propagate religion to all persons in India. But at the same time it is *"subjected to the other provisions of this Part"* including Right to Equality under Article 14 and 15. However, even if freedom of religion encompasses the right to be governed by personal law, it does not cover the right to perpetuate denial of equality or personal liberty to a section of people who are governed by such personal law.⁴³ Therefore, the personal law is not immune from the intervention of the sovereign legislature.

The makers of the Constitution while drafting the said provision sought to distinguish between the essence of a religion and other secular activities which might be associated with religious practice but did not form a part of the core of the religion. They accepted the principle that if a religious practice covers a secular activity or falls within the field of social reform or social welfare, it would be open to Parliament to make laws about it.⁴⁴ The legislation so enacted will not infringe the Fundamental Right to Freedom of Religion of the minorities and with this end they inserted Cl. 2(a) as follows:

"Nothing in this article shall affect the operation of any existing law or prevent the State from making any law regulating or restricting any economic, financial, political or other secular activities which may be associated with religious practices."

The difference between essential religious practices and secular practices had been explained in great detail in a recent case of *Nikhil Soni v. Union of India*. The court clarified that a practice may be a religious practice but not an essential and integral part of the religion.⁴⁵ The Constitution under Article 25(1) protects only those religious practices which form an essential and integral part of religion. Practices other than those come under the ambit of secular activities which are not protected and can be regulated by the legislature. Thus, practices such as witchcraft, superstition, ordeals, sati, child marriage, prohibitions against widow remarriage, caste discrimination, triple *talaq* and polygamy may be barred or regulated.⁴⁶

Therefore, once it is held that there are customs and practices which do not form part of the essence of religion but is only a secular activity connected with religion; the Legislature would be competent to make a uniform law relating to such secular activities by implementing Article 44

⁴³ S. P. Sathe, 'Uniform Civil Code: Implications of Supreme Court Intervention' (1995) 30 Economic and Political Weekly 2165.

⁴⁴ CA Deb 23 November 1948, vol 7, 547.

⁴⁵ *Nikhil Soni v. Union of India* AIR (2006) Raj 7414.

⁴⁶ B.G. Verghese, 'Who's afraid of a uniform civil code?' *The Hindu* (13 August 2003)

<<http://www.thehindu.com/thehindu/2003/08/13/stories/2003081300341000.htm>> accessed 10 January 2016.

of the Constitution.⁴⁷Therefore, a UCC if enacted will be well within the purview of Constitutional provisions and will not be violative of Right to Freedom of Religion.

Uniform Civil Code vs. Common Civil Code

Article 44 suggests a uniform civil code and not a common civil code. The expressions 'uniform' and 'common' are often used interchangeably but they have different connotations. The word 'common' means shared among several⁴⁸ while 'uniform' means conforming to one rule, not different at different places, applicable to all places or divisions of the country, applying alike to all within a class⁴⁹.

According to S.P. Sathe, the word 'uniform' in article 44 means that all communities must be governed by uniform principles of social and gender justice.⁵⁰ It beckons the modernisation and humanisation of each personal law. A uniform law would not necessarily mean a common law but different personal laws based on uniform principles of equality of sexes and liberty of the individual.⁵¹ But, this interpretation of the word 'uniform' is not possible for the purpose of Article 44. By analysing the Constituent Assembly debates and the arguments of the members including Dr. B.R. Ambedkar, it is very clear that they intended *a Civil Code, uniform in its content and applicable to the whole of the country.*⁵²

According to the Black's Law Dictionary, a statute is uniform in its operation when it operates equally upon all persons who are brought within the relations and circumstances provided for; when all persons under the same conditions and in the same circumstances are treated alike, and classification is reasonable and naturally inherent in the subject-matter.⁵³ The word "uniform" as applied to laws have a meaning antithetical to special or discriminatory laws.⁵⁴

The practice of providing unequal shares in coparcenary property to a brother and sister under *Mitakshara* Hindu law, or the custom of burning a Hindu widow to death on her husband's funeral pyre, or the practice of giving unequal shares in property to male and female heirs after a Parsi man dies intestate, or indiscriminate polygamy by a man, or the practice of divorcing a lawfully wedded wife by triple *talaq*, or the refusal to maintain a divorced wife after the period of *iddat* are all practices derogatory to the dignity of women. Therefore, if a member of a religious community resorts to such practices or raises an objection to the implementation of Article 44 he becomes guilty of violation of the Preamble, and Article 51A and also of the guarantee of non-discrimination on the ground of religion in Articles 15(1) and 14 of the Constitution.⁵⁵

⁴⁷CA Deb (n 42).

⁴⁸Black (n 3)

⁴⁹ibid.

⁵⁰Sathe (n 41).

⁵¹ibid.

⁵²Khalid (n 4).

⁵³Black (n 3)

⁵⁴ibid.

⁵⁵Basu (n 27).

The principles of equality, justice and non-discrimination are far more important than unequal, unjust and discriminatory personal laws associated with particular religions.⁵⁶ Therefore, a Uniform Civil Code if enacted would be tested on the touchstone of Fundamental Right to Equality and operate without distinction or discrimination throughout the country.

Conclusion

Regarding the Uniform Civil Code there is a lack of awareness among the people especially in the minorities. It is true that they do not know the actual meaning and extent of the code. They think that if the law gets enacted then they have to follow the religious practices of the majority and hence they will lose their identity. So the first step should be to make the people aware as to what is the actual meaning and scope of UCC. A Commission should be set up to determine the scope and extent of the Code. The Parliament should enact a draft code specifying the contents. It needs to segregate the essential religious practices and the secular practices related to religion. Only those activities that are financial or matters related to secular character like maintenance or inheritance should be regulated by the State and not the religious or customary practices like *saptapathi*, *nikah* etc. It means religious practices of one community will not be forced on another. Provisions regarding the validity of marriage should include the age of the parties, registration of the marriage etc. The people especially the minorities should be assured that there will be no encroachment with their Right to Religion. Then, the draft should be made available for the public opinion and nationwide campaigns and discussions should be held. After considering the viewpoint of the commission, the Parliament should enact a code which is applicable throughout the country irrespective of religion, race, caste, creed etc.

The main aim should be to realize the intentions of the founding fathers of the Constitution enshrined in the Preamble. We should not forget the values and principles embodied in the supreme law of the land to secure social justice; liberty of belief, faith and worship; equality of status; and unity and integrity of the nation. There should be a balance between Right to Freedom of Religion and Right to Equality. Uniformity in diversity should be the main objective of the code. In a country like India where Rule of Law prevails, the Constitution cannot be subservient to personal laws. The discriminatory practices like triple *talaq* which are in disguise of religious practices and customs must be subjected on the touchstone of Article 14 and 15. Right to Equality which is the basic structure of the Constitution should be given priority over the so called religious practices. In the words of Leila Seth, *"If we can't give them all the rights in one go, let us progress little by little, but let us not be stagnant. Let us move towards gender-just laws and a uniform civil code"*

References

1. The Constitution of India.
2. Henry Campbell Black, 'Black's Law Dictionary' (6th edn, West Publishing Co., 1995)

⁵⁶Seth (n 30).

3. Abul Bashar Mohammad Abu and Noman Saeed Ahsan Khalid, 'Uniform Family Code: An Appraisal of Viability in Pluralistic Bangladeshi Society' (2011) 16 *The Chittagong University Journal of Law* <[http://www.culaw.ac.bd/files/jurnal-2011/Vol.%20XVI,%202011%20\(p.81-109\).pdf](http://www.culaw.ac.bd/files/jurnal-2011/Vol.%20XVI,%202011%20(p.81-109).pdf)>
4. Constituent Assembly Debates Official Report, Book No. 2, Vol. No. VII, '4 November 1948 to 8 November 1949', Lok Sabha Secretariat, New Delhi, 5th Reprint 2009.
5. B. Shiva Rao, *The Framing of India's Constitution* vol 2 (1st edn, Universal Law Publishing Co. Pvt. Ltd. 2012) 206
6. Saeed Khan, 'Stop Muslim Polygamy, its 'heinously patriarchal' says Gujarat High Court, pitching for a Uniform Civil Code' *The Economic Times* (Ahmedabad, 6 November 2015) <<http://economictimes.indiatimes.com/news/politics-and-nation/stop-muslim-polygamy-its-heinously-patriarchal-says-gujarat-hc-pitching-for-a-common-civil-code/articleshow/49683665.cms>>
7. Bhadra Sinha, 'SC to examine Muslim personal law, aim to end gender bias' *The Hindustan Times* (New Delhi 28 October 2015) <<http://www.hindustantimes.com/india/sc-to-examine-muslim-personal-law-for-polygamy-triple-talaq/story-qpLYAycFxuLkHyv8zCRTL.html>>
8. Utkarsh Anand, 'Uniform Civil Code: There's total confusion, why can't it be done, SC asks govt' *The Indian Express* (New Delhi, 13 October 2015) <<http://indianexpress.com/article/india/india-news-india/uniform-civil-code-supreme-court-asks-govt-why-cant-it-be-done-tell-us-your-plan/>>
9. M. Hidayatullah, *Mulla Principles of Mahomedan Law* (19th edn, Lexis Nexis 2011) 261
10. Durga Das Basu, *Commentary on the Constitution of India* vol 3 (8th edn, Lexis Nexis 2008) 4132
11. Law Commission, *Property Rights of Women: Proposed Reforms under the Hindu Law* (Law Com No 174, 2000) <<http://www.lawcommissionofindia.nic.in/kerala.htm>>
12. Leila Seth, 'A Uniform Civil Code: towards gender justice' (2005) 31 *India International Centre Quarterly* 40
13. Raya Hazarik, 'Should India have a Uniform Civil Code?' (25 October 2010) <<http://ssrn.com/abstract=1697580>>
14. Rajeev Dhavan, 'Codifying personal laws' *The Hindu* (1 August 2003) <<http://www.thehindu.com/thehindu/2003/08/01/stories/2003080100521000.htm>>
15. Prof. MP Jain, *Indian Constitutional Law* (6th edn, Lexis Nexis 2010) 1510
16. International Covenant on Civil and Political Rights. Adopted by the General Assembly of the United Nations on 19 December 1966 <<https://treaties.un.org/doc/Publication/UNTS/Volume%20999/volume-999-I-14668-English.pdf>>
17. S. P. Sathe, 'Uniform Civil Code: Implications of Supreme Court Intervention' (1995) 30 *Economic and Political Weekly* 2165
18. B.G. Verghese, 'Who's afraid of a uniform civil code?' *The Hindu* (13 August 2003) <<http://www.thehindu.com/thehindu/2003/08/13/stories/2003081300341000.htm>>

